

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

IN RE: DEPUY ORTHOPAEDICS, ( 3:11-MD-2244-K  
INC. PINNACLE HIP IMPLANT (  
PRODUCTS LIABILITY LITIGATION ( MDL Docket No.  
(  
(  
(  
( August 9, 2011

-----  
This Document Relates to all Cases  
-----

TRANSCRIPT OF STATUS CONFERENCE  
BEFORE THE HONORABLE ED KINKEADE,  
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE PLAINTIFF:

PETER SAMBERG  
Weitz & Luxenberg PC  
700 Broadway  
New York, NY 10003  
psamberg@weitzlux.com

EDWARD BLIZZARD  
Blizzard McCarthy & Nabers  
440 Louisiana  
Suite 1710  
Houston, TX 77002  
713/844-3750  
eblizzard@blizzardlaw.com

KENNETH MARK SEEGER  
Seeger Salvas LLP  
455 Market St  
Suite 1530  
San Francisco, CA 94105  
415-981-9260  
kseeger@seegersalvas.com

KHALDOUN A. BAGHDADI

Wal kup Mel odi a Kel ly &  
Schoenberger  
650 Cal i forn i a St  
25th Floor  
San Franci sco, CA 94108-2615  
415/981-7210  
kbaghdadi@wal kupl awoffi ce. com

PAUL J. HANLY JR  
Hanly Conroy Bierstein  
Sheridan Fisher & Hayes LLP  
112 Madison Ave  
7th Floor  
New York, NY 10016  
212/784-6410  
phanl y@hanl yconroy. com

RI CHARD J. ARSENAULT  
Neblett Beard & Arsenault  
2200 Bonaventure Court  
PO Box 1190  
Alexandria, LA 71309-1190  
318/487-9874  
rarsenaul t@nbal awfi rm. com

W. MARK LANIER  
The Lanier Law Firm  
6810 FM 1960 West  
Houston, TX 77069  
713/659-5200  
cag@l ani erl awfi rm. com

FOR THE DEFENDANTS:

JOHN H. BEISNER  
Skadden Arps Slate Meagher &  
Flom LLP  
1440 New York Ave NW  
Washington, DC 20005-2111  
202-371-7209  
John.Beisner@skadden.com

JESSICA D. MILLER  
Skadden Arps Slate Meagher &  
Flom LLP  
1440 New York Ave NW  
Washington, DC 20005  
202/371-7850  
Jessica.Miller@skadden.com

KENNETH H. INSKEEP  
Barnes & Thornburg LLP  
11 S Meridian St  
Indianapolis, IN 46204  
317/231-7242  
kinskeep@btlaw.com

MICHAEL V. POWELL  
Locke Lord Bissell & Liddell  
2200 Ross Ave  
Suite 2200  
Dallas, TX 75201-6776  
214/740-8520  
mpowell@lockelord.com

SETH MICHAEL ROBERTS  
Locke Lord Bissell & Liddell  
2200 Ross Ave  
Suite 2200  
Dallas, TX 75204  
214/740-8453  
sroberts@lockelord.com

STEPHEN J. HARBURG  
Skadden Arps Slate Meagher &  
Flom LLP  
1440 New York Ave NW  
Washington, DC 20005  
202/371-7470  
Stephen.Harburg@skadden.com

THOMAS FRANCIS SHEA  
Barnes & Thornburg LLP  
11 S Meridian St  
Indianapolis, IN 46204  
317/231-7738  
thomas.shea@btlaw.com

Also Present:

Thomas Anapol - Philadelphia, PA

Franklin Azar - Aurora, CO

Daniel Bechnel - Reserve, LA

Lisa Blue - Dallas, TX

Turner Branch - Albuquerque, NM

Daniel Burke - Port Washington, NY

Alexander Calfo - Los Angeles, CA

John Climaco - Cleveland, OH

Paul Cordella

Martin Crump - Gulfport, MS

William Curtis - Dallas, TX

Douglas Dellaccio - Birmingham, AL

Clyde DeMersseman - Albuquerque, NM

Brian Devine - San Francisco, CA

Brent Ferrel - Albuquerque, NM

David Franco - New Orleans, LA

Michelle Gaudin

Ronald Golder - Minneapolis, MN

Jeffrey Grand - New York, NY

Matthew Hainfield - Des Moines, IA

Stephen Harrison - Waco, TX  
John Hart  
Dara Hegar  
Chris Hellums - Birmingham, AL  
Eric Johnson - Alton, IL  
Steve Johnson  
Jennifer Liakos - Newport Beach, CA  
Lory Lybeck - Mercer Island, WA  
Stephen Malouf - Dallas, TX  
Roger Mandel - Dallas, TX  
Kathleen McGinn - Austin, TX  
Richard Meadow  
Tanya Melnichenko - Aurora, CO  
Donald Migliori - Providence, RI  
Peter Miller - Orange, VA  
Susan Minkin - Alexandria, VA  
Vincent Moccio - Minneapolis, MN  
William Moody - Portsmouth, VA  
Alyson Oliver - Southfield, MI  
Shane Osborn - Houston, TX  
Robert Patterson - Austin, TX  
Frank Piscitelli - Cleveland, OH  
Douglas Plymale - New Orleans, LA  
Thomas Preuss - Kansas City, MO  
John Restaino - Denver, CO

Don Richard - New Orleans, LA  
Mark Robinson - Newport Beach, CA  
Daniel Robinson  
Jane Sams - Atlanta, GA  
Joseph Saunders - Pinellas Park, FL  
Hunter Shkolnik - New York, NY  
Lewis Sifford  
Laura Singletary - Alexandria, LA  
Zollie Steakley - Waco, TX  
Jennifer Stephens - Dallas, TX  
Stuart Talley  
Dana Taschner - Los Angeles, CA  
Wendy Tucker  
Meryl Viner - Mineola, NY  
Peggy Wallace  
Navan Ward - Montgomery, AL  
Genevieve Zimmerman - Minneapolis, MN

COURT REPORTER: PAMELA J. WILSON, RMR, CRR  
1100 Commerce Street, Room 1525  
Dallas, Texas 75242  
214.662.1557  
pam\_wilson@txnd.uscourts.gov

Proceedings reported by mechanical stenography,  
transcript produced by computer.

P R O C E E D I N G S

THE SECURITY OFFICER: All rise and come to order.

United States District Court in and for the Northern  
District of Texas at Dallas is now in session, the Honorable  
United States District Judge Ed Kinkeade presiding.

God save the United States and this Honorable Court.

Please be seated.

THE COURT: Good. I appreciate all y'all coming  
down today, volunteering to take a criminal case.

I am handling the La Familia drug cartel cases and I'm  
back there talking to the Lord, Lord, are those going to be  
more difficult or these lawyers, and I won't tell you who  
won.

This is the MDL case, as y'all know -- is it DePuy?  
How do you know pronounce that?

MR. POWELL: DePuy, Your Honor.

THE COURT: DePuy.

Could we change it to Smith or Jones or some -- okay.  
DePuy.

And the Pinnacle hip implant products liability  
litigation. The cause number is 3:11-MD-2244-K today.

And, Mr. Powell, you're here representing the  
defendants, correct?

MR. POWELL: We're here representing DePuy and  
Johnson & Johnson, Your Honor.

1 THE COURT: Okay. Great. Great.

2 Well, it's good to have you.

3 Do you see all these people out here?

4 MR. POWELL: I do. They're a raid against us --  
5 aren't they?

6 THE COURT: Yeah. I was thinking about -- I was  
7 watching Braveheart. I couldn't decide if you're William  
8 Wallace or the English.

9 So we'll kind of keep track of that as we go along.

10 (Laughter)

11 But if you pull your kilt up I'm going to be upset, I  
12 just want you to know.

13 MR. POWELL: Won't do it.

14 THE COURT: Okay. All right. And I will -- let me  
15 go over some of the things I'm concerned about.

16 I want y'all to know -- I know most of you are chagrined  
17 that this is my first MDL. You'll just have to be patient  
18 with me. I've got a lot of questions. I promise you I'll  
19 try to make it as pleasant as they can -- as I can, and we'll  
20 go through that.

21 Let me just kind of go through this list and tell you  
22 what I want to do today, a little bit. Obviously, we don't  
23 have time for everybody to come up here and do a -- a show  
24 and tell, like I know you'd like to do and like I, you know,  
25 enjoyed doing as a kid growing up. And I'm sure some of you



1 have a lizard in a box and you want to show me that and all  
2 these other things, and that's okay. And, you know, my jokes  
3 were never this funny until I got on the federal bench, I  
4 don't know. I told my wife, I said, you know, honey, I'm  
5 going on the comedy circuit, because I've changed, I'm a  
6 different man now.

7 But I want to go over that with you and then I want to  
8 tell you some of my questions and I want you to respond. If  
9 you will take some notes, you don't have to, but -- and I'll  
10 try to make this available on our web site so you can look  
11 this up if you don't want to take notes, that's okay too.

12 But I want you to respond in writing -- our romance will  
13 be primarily in writing versus going to get, you know, a  
14 hamburger together, and so -- and I want you to do that.

15 I want to hear from you after today, and I want your  
16 suggestions, your thoughts, and that sort of thing. You can  
17 be as frank as you want to be, that's fine, but I will tell  
18 you what some of my concerns are. But let me go over and  
19 make sure we've got everybody here.

20 And if I mispronounce your name, help me.

21 By the way, for those of you who are from the West Coast  
22 and the East Coast, there are some Texas interpreters and I  
23 will help you with that, and so every time I have those  
24 lawyers from California and from New York I'm more than happy  
25 to help y'all, if you will be patient with me I will be

1 patient with you.

2 So let's go down the list and make sure I've got  
3 everybody here.

4 Did the fellow from Ireland make it?

5 Oh my Lord, I don't think he did. He told me he  
6 couldn't afford to, but there is a fellow from Ireland  
7 interested in this case. I was hoping he would make it.

8 Who's the farthest away?

9 I guess would be -- I'm trying to see, is there anybody  
10 from Maine?

11 I don't think so.

12 But, anyway, Thomas Anapol from Philadelphia is here.

13 MR. ANAPOL: Morning, Your Honor.

14 THE COURT: And Richard Arsenault from Alexandria.

15 MR. ARSENAULT: Morning, Your Honor.

16 THE COURT: Good to see you.

17 And Frank Azar. I see you, sir.

18 And I'm going to mispronounce this, Khaloun Baghdadi.

19 MR. BAGHDADI: That's perfect, Your Honor.

20 THE COURT: Oh, hallelujah. Daniel Bechnel.

21 MR. BECHNEL: Here Your Honor.

22 THE COURT: Good to meet you.

23 And Edward Blizzard.

24 MR. BLIZZARD: Good morning, Your Honor,

25 THE COURT: Hi, Mr. Blizzard.

1 And Li sa Blue.

2 MS. BLUE: Good morni ng, Your Honor.

3 THE COURT: How are you, Ms. Blue?

4 MS. BLUE: Very well , thank you.

5 THE COURT: And Turner Branch.

6 MR. BRANCH: Good morni ng, Your Honor.

7 THE COURT: Hi , Mr. Branch.

8 And Dani el Burke.

9 MR. BURKE: Good morni ng, Your Honor.

10 THE COURT: Good to see you, si r.

11 Al exander Cal fo from Los Angel es.

12 MR. CALFO: Good morni ng, Your Honor.

13 THE COURT: Nice to see you.

14 There are more Italian suits than I've ever seen in one  
15 room. I am thoroughly impressed.

16 And I don't think I said Thomas Cartmell.

17 Did I mispronounce it? Cartmell , from Kansas Ci ty.

18 MR. CARTMELL: Cartmell .

19 THE COURT: Okay. John, is it Climaco? Or  
20 Climaco?

21 MR. CLIMACO: Climaco, Your Honor.

22 THE COURT: Okay. Great tie.

23 MR. CLIMACO: Thank you. Thank you, Your Honor.

24 THE COURT: Nice to see you.

25 And Paul Cordel la.

1 MR. CORDELLA: Good morning, Your Honor.

2 THE COURT: Where are you from?

3 MR. CORDELLA: New York, Your Honor.

4 THE COURT: Okay. The airlines ought to send me a  
5 thank you note.

6 Martin Crump.

7 MR. CRUMP: Good morning, Your Honor.

8 THE COURT: How are you, sir?

9 MR. CRUMP: Good, sir.

10 THE COURT: All right. I had a clerk that was from  
11 Gulfport.

12 William Curtis.

13 MR. CURTIS: Hi, Your Honor.

14 THE COURT: Hi, Mr. Curtis. Good to see you.  
15 Douglas Dellaccio.

16 MR. DELLACCIO: Right here, Your Honor.

17 THE COURT: Or do you pronounce it Dellaccio?

18 MR. DELLACCIO: Dellaccio.

19 THE COURT: Okay. Sorry.

20 Clyde DeMersseman.

21 MR. DEMERSSEMAN: Right here, Your Honor.

22 THE COURT: Okay. Good.

23 And you're from Albuquerque?

24 MR. DEMERSSEMAN: Yes, sir.

25 THE COURT: Okay. Brian Devine?

1 MR. DEVINE: Good morning, Your Honor.

2 THE COURT: Good to see you.

3 MR. DEVINE: Good to see you.

4 THE COURT: Brent Ferrel.

5 MR. FERREL: Good morning, Your Honor.

6 THE COURT: Did y'all come on the same plane?

7 MR. FERREL: Yes, Your Honor.

8 THE COURT: Are y'all together?

9 MR. FERREL: Yes, Your Honor.

10 THE COURT: Okay. It's good to see you.

11 David Franco.

12 MR. FRANCO: Hi, Your Honor.

13 THE COURT: Hi, Mr. Franco.

14 Michelle Gaudin -- or Gaudin?

15 MS. GAUDIN: Good morning, Your Honor.

16 That's Gaudin.

17 THE COURT: Gaudin, like boudin. And you must be  
18 from Louisiana somewhere.

19 MS. GAUDIN: Of course, Your Honor.

20 THE COURT: Okay. Gosh, I love the way you talk.  
21 You have a leg up just because you have a great accent.  
22 And Mr. Goldser, Ron Goldser from Minneapolis.

23 MR. GOLDSER: Good morning, Your Honor.

24 THE COURT: Good to have you, sir.

25 Now, did you work on the Alaska case?

1 MR. GOLDSER: No. That was Brian O'Neal --

2 THE COURT: But isn't that from somewhere in  
3 Minnesota, too?

4 MR. GOLDSER: He was. He was the neighbor of my  
5 partner, Charles Zimmerman. And Mr. Zimmerman saw him  
6 leaving at 3:00 a.m. to fly off to Anchorage on a regular  
7 basis.

8 THE COURT: Okay. Well good. Well, it's good to  
9 have you.

10 I was at Anchorage three weeks ago and sat down with the  
11 judge that tried the Exxon Valdez, told him I was about to  
12 meet with y'all, and he gave me a lot of suggestions.

13 Jeffrey Grand from New York.

14 MR. GRAND: Good morning, Your Honor.

15 THE COURT: Morning. Good to see you, sir.

16 Matthew Haindfield from Des Moines.

17 MR. HAINDFIELD: Yes.

18 THE COURT: How are you, sir?

19 MR. HAINDFIELD: Very good.

20 THE COURT: And Paul Hanly from New York.

21 MR. HANLY: Good morning, Your Honor.

22 THE COURT: Good to see you.

23 Steve Harrison from Waco, Texas.

24 MR. HARRISON: Good morning, Your Honor.

25 THE COURT: Good to see you.

1 MR. HARRISON: Good to see you, Your Honor.

2 THE COURT: John Hart.

3 MR. HART: Morning, judge. How are you?

4 THE COURT: Where are you from?

5 MR. HART: Way back in Midland, judge, but I live  
6 in Fort Worth right now.

7 THE COURT: Okay. Fort Worth.

8 Good to have you.

9 Dara -- is it Hegar?

10 MS. HEGAR: Hegar.

11 THE COURT: Where are you from?

12 MS. HEGAR: Houston.

13 THE COURT: Okay. Thank you.

14 And Chris Hellums from Birmingham.

15 MR. HELLUMS: Yes, Your Honor.

16 THE COURT: Nice to see you, sir.

17 Eric Johnson from Illinois, Alton.

18 MR. JOHNSON: Good morning, Your Honor.

19 THE COURT: Is Alton suburb of Chicago?

20 MR. JOHNSON: It's a suburb of St. Louis.

21 THE COURT: St. Louis. Oh, I'm sorry.

22 Let's see, St. Louis -- so you're on the other side of  
23 the Mississippi River?

24 MR. JOHNSON: Correct.

25 THE COURT: Or is it up north a little bit?

1 MR. JOHNSON: Correct.

2 THE COURT: Kind of across from Hannibal? Or not  
3 that far north?

4 MR. JOHNSON: Across. It's about 30 miles north of  
5 Salem.

6 THE COURT: Okay. Okay. Do you know where Cahokia  
7 is?

8 MR. JOHNSON: I do not.

9 THE COURT: That would have helped.

10 (Laughter)

11 THE COURT: Even more, Clark County, Missouri. You  
12 might have to check on that.

13 Okay. Steve Johnson. I know y'all are in the suck up  
14 mode, so I'm giving you -- Mr. Johnson, where are you from?

15 MR. JOHNSON: Good morning, Your Honor.

16 THE COURT: Where are you from?

17 MR. JOHNSON: Fort Worth.

18 THE COURT: Fort Worth. Okay. Good.

19 And Mr. Kershaw, William Kershaw, from Sacramento.

20 MR. TALLEY: Your Honor, I'm Stuart Talley here for  
21 Mr. Kershaw.

22 THE COURT: Oh, good.

23 Is this weather just killing you?

24 I'm sorry.

25 And Mr. Lanier, Mark Lanier from Houston.



1 MR. LANIER: Good morning, judge.

2 THE COURT: How are you, sir?

3 MR. LANIER: I'm better than I deserve.

4 THE COURT: Okay. And Jennifer Liakos from Newport  
5 Beach.

6 MS. LIAKOS: Good morning, Your Honor.

7 THE COURT: How are you?

8 MS. LIAKOS: I'm well.

9 THE COURT: We all wish we were at your house.  
10 And Lory Lybeck from Mercer Island, Washington.

11 MR. LYBECK: Seattle.

12 THE COURT: Seattle. Okay.

13 MR. LYBECK: Good morning.

14 THE COURT: Good to see you.

15 Steve Malouf here from Dallas.

16 MR. MALOUF: Good morning, Your Honor.

17 THE COURT: I haven't seen you in a while. You  
18 have gotten gray.

19 MR. MALOUF: So has the court.

20 THE COURT: Yes, I have. You're right. Don't be  
21 pointing that out.

22 Mr. Mandel, where are you?

23 MR. MANDEL: I'm back here, Your Honor.

24 THE COURT: Good to see you.

25 MR. MANDEL: Nice to see you, Your Honor.

1 THE COURT: You've had to deal with this -- am I  
2 your assigned federal judge?

3 MR. MANDEL: I keep getting lucky, Your Honor.

4 THE COURT: Good. That was very good.

5 And Kathleen McGinn from Austin.

6 MS. MCGINN: Morning, Your Honor.

7 THE COURT: How are you?

8 MS. MCGINN: I'm doing just fine.

9 THE COURT: Good. Good to have you.

10 Richard Meadow.

11 MR. MEADOW: Good morning, Your Honor.

12 THE COURT: How are you, sir?

13 MR. MEADOW: I'm well. Thank you.

14 THE COURT: Where are you from?

15 MR. MEADOW: New York.

16 THE COURT: Okay. And Tanya Melniченко.

17 MS. MELNICHENKO: Melniченко.

18 THE COURT: Okay. I'm sorry. I -- I tried.

19 And we're glad to have you.

20 Donald Migliori.

21 MR. MIGLIORI: Good morning, Your Honor.

22 THE COURT: Did I get that right?

23 MR. MIGLIORI: Yes, you did.

24 THE COURT: Is there no seat from you?

25 MR. MIGLIORI: I like looking down on some of these

1     peopl e.

2                                     (Laughter)

3             THE COURT:   We -- why don't you -- we'll get you a  
4     chai r.   You can come right up here.   You'll be speci al .   Very  
5     speci al .

6             In fact, if I can get a light, we'll have a light.

7             MR. MIGLIORI:   There's a lot of glare on my head,  
8     Your Honor.

9             THE COURT:   This is -- this is -- this is the chair  
10    that the La Familia defendants sit in.

11            MR. MIGLIORI:   You want to leave it in the middle  
12    or --

13            THE COURT:   No.   I'm not doing that to you.  
14    And Peter Miller.

15            MR. MILLER:   Good morn ing, Your Honor.

16            THE COURT:   Where's Orange?

17            MR. MILLER:   Orange is just north of  
18    Charlottesvi lle.

19            THE COURT:   From where?

20            MR. MILLER:   Just north of Charlottesvi lle, about  
21    an hour south of Washi ngton.

22            THE COURT:   I got a degree in Charlottesvi lle and I  
23    floated the James River but I didn't go to Orange

24            MR. MILLER:   If you took 15 north out of town about  
25    45 minutes you would hit the small town.   It's real small.

1 THE COURT: It is?

2 I love Charlottesville. Gosh, what a great place. You  
3 live in a nice place.

4 Susan Minkin from Alexandria.

5 MS. MINKIN: Good morning, Your Honor.

6 THE COURT: Good to have you.

7 And Vincent -- is it Moccio?

8 MR. MOCCIO: Moccio.

9 THE COURT: Are you with that other fella from  
10 Minnes -- Minneapolis?

11 MR. MOCCIO: We know each other, but we are not  
12 together.

13 THE COURT: Okay. Good. Well, good to have you.

14 MR. MOCCIO: Thank you, Your Honor.

15 THE COURT: And William Moody.

16 MR. MOODY: Good morning, Your Honor.

17 THE COURT: How are you, Mr. Moody?

18 MR. MOODY: Just fine.

19 THE COURT: Good to see you. Fort Smith, Virginia?

20 MR. MOODY: Yes, sir.

21 THE COURT: And you talk like that, there's no ah's  
22 in anything you say; is that right?

23 MR. MOODY: That's right.

24 THE COURT: Okay. Good.

25 Matthew Moreland.

1 UNIDENTIFIED ATTORNEY: Mr. Moreland is not here.  
2 He's stuck in Phoenix doing a claims offer.

3 THE COURT: Oh, okay. He's getting a check.  
4 And Alyson Oliver from Southfield -- is it Michigan?

5 MS. OLIVER: Yes. Nice to meet you.

6 THE COURT: Nice to meet you.

7 Where is Southfield? Remind me.

8 MS. OLIVER: It's about ten minutes north of  
9 Detroit.

10 THE COURT: Oh, okay.

11 And Shane Osborn from Houston.

12 MR. OSBORN: Morning, Your Honor.

13 THE COURT: How are you?

14 MR. OSBORN: Doing well.

15 Yourself?

16 THE COURT: Good to see you.

17 And Robert Patterson from Austin.

18 MR. PATTERSON: Good morning, Your Honor.

19 THE COURT: Nice to meet you, sir.

20 And Frank Piscitelli from Cleveland, Ohio.

21 MR. PISCITELLI: Good to meet you, Your Honor.

22 THE COURT: Good to meet you, too.

23 Y'all from Cleveland I know you know my friend Kate  
24 O'Malley. Some of y'all I know said that. So I know she's  
25 going to get a hundred calls today, since I mentioned her,

1 now that she's on the Fed circuit.

2 Douglas Plymale from New Orleans.

3 MR. PLYMALE: Good morning, Your Honor.

4 THE COURT: Nice to meet you. Good to have you up  
5 here.

6 And then Thomas is it Preuss? Or Preuss?

7 MR. PREUSS: Preuss.

8 THE COURT: Preuss.

9 MR. PREUSS: I'm here for Thomas Cartmell who you  
10 called earlier, Your Honor.

11 THE COURT: Oh, I'm sorry. Great. Thank you.

12 Oh, I have to tell y'all I have a jury out, so at some  
13 point we may have to break to get that verdict.

14 John Restaino?

15 MR. RESTAINO: Perfect, Your Honor.

16 THE COURT: Great. And you're from Denver.

17 MR. RESTAINO: I am, sir.

18 THE COURT: You are suffering today being here.  
19 I'm sorry.

20 Don Richard from New Orleans.

21 MR. RICHARD: Good morning, Your Honor.

22 THE COURT: Good to have you.

23 And Mark Robinson from Newport Beach.

24 MR. ROBINSON: Morning, Your Honor.

25 THE COURT: Good to meet you.

1 Daniel Robinson from --

2 MR. ROBINSON: Newport Beach, Your Honor.

3 THE COURT: Oh, both of y'all.

4 Are y'all -- never mind.

5 That's what you're going to look like -- he's pretty  
6 well preserved, so don't smoke, don't drink, don't divorce.

7 There you go. That's all the advice you need.

8 Peter SAMBERG from New York.

9 MR. SAMBERG: Morning, Your Honor.

10 THE COURT: Nice to meet you, sir.

11 MR. SAMBERG: Nice to meet you.

12 THE COURT: Jane Sams from Atlanta.

13 MS. SAMS: Morning, Your Honor.

14 THE COURT: Nice to meet you.

15 MS. SAMS: Nice to meet you, too.

16 THE COURT: Joseph Saunders from Pinellas Park in  
17 Florida.

18 MR. SAUNDERS: Good morning, Your Honor.

19 THE COURT: Remind me where that is.

20 MR. SAUNDERS: St. Petersburg, Tampa.

21 THE COURT: Sure. Tampa. Okay. Right.

22 Okay. Good to have you.

23 And Kenneth Seeger.

24 MR. SEEGER: Good morning, Your Honor.

25 THE COURT: Hi, Mr. Seeger.

1           How did y'all get these seats? What was that? Did  
2 y'all get here --

3           MR. SEEGER: They were open when we walked in.

4           THE COURT: Oh, Okay.

5           MR. SEEGER: It wasn't -- we weren't chosen and  
6 it's not an honor.

7           THE COURT: Oh, Okay. Okay.

8           Vincent Shannon from Dublin Ireland didn't make it.  
9 And Hunter Shkolnik.

10          MR. SHKOLNIK: Shkolnik, Your Honor.

11          THE COURT: Say it one more time.

12          MR. SHKOLNIK: Shkolnik, from southern New York.

13          THE COURT: Southern New York. That was pretty  
14 good. I like you.

15          Lewis Sifford from Dallas, are you here?

16          I didn't see you, Mr. Sifford.

17          MR. SIFFORD: Morning, Your Honor.

18          THE COURT: Good to see you.

19          Didn't we use to fight each other when we were having  
20 cases with each other?

21          MR. SIFFORD: I don't remember that.

22                               (Laughter)

23          THE COURT: Okay. Good to see you.

24          Laura Singletary from Alexandria.

25          MS. SINGLETARY: Good morning, judge.



1 THE COURT: How are you?

2 MS. SINGLETARY: Doing well.

3 THE COURT: Zol lie Steakley from Waco.

4 MR. STEAKLEY: Morning, Your Honor.

5 THE COURT: Hi, Mr. Steakley.

6 How are you?

7 MR. STEAKLEY: Doing fine.

8 THE COURT: And your daddy was in school with me,  
9 right?

10 MR. STEAKLEY: Yes, Your Honor.

11 THE COURT: He had red hair.

12 MR. STEAKLEY: He did. Yeah, he went by Rusty. I  
13 had red hair when I was born but now it has turned.

14 THE COURT: Okay. All right.

15 Jennifer Stephens.

16 MS. STEPHENS: Good morning, Your Honor.

17 THE COURT: Hi, Ms. Stephens, how are you?

18

19 MS. STEPHENS: Good.

20 THE COURT: And Stuart Talley?

21 MR. TALLEY: Here.

22 THE COURT: And you're from -- remind me?

23 MR. TALLEY: Sacramento, California.

24 THE COURT: That's right. Sacramento.

25 Okay. And Dana Taschner from LA?

1 MR. TASCHNER: Good morning, Your Honor.

2 THE COURT: And did I pronounce that correct?

3 MR. TASCHNER: Yes, you did.

4 THE COURT: And Wendy Tucker from -- where are you?

5 MS. TUCKER: Morning, Your Honor. Los Angeles.

6 THE COURT: Okay. And Meryl Viener from Mineola,

7 New York. Did I pro -- is it Viener?

8 MS. VIENER: It's Viener.

9 THE COURT: And it's Meryl, probably?

10 MS. VIENER: Good morning, Your Honor.

11 THE COURT: It's good to see you.

12 Where is Mineola?

13 MS. VIENER: Mineola is on Long Island.

14 THE COURT: Okay. We have a Mineola, Texas, too.

15 It's not on Long Island. But it does have good barbecue.

16 Peggy Wallace. Where are you from?

17 MS. WALLACE: Here, Your Honor.

18 THE COURT: Where are you from?

19 MS. WALLACE: New Orleans.

20 THE COURT: Okay. And is it Navan or Navan Ward?

21 MR. WARD: Here, Your Honor.

22 It's Navan.

23 THE COURT: Navan.

24 MR. WARD: I'm sure that's the correct

25 pronunciation, my mother just probably didn't get it right.

1 (Laughter)

2 THE COURT: Okay. Good -- good to have you here,  
3 sir.

4 And Kirk Wood from Birmingham.

5 Not here.

6 And Genevieve Zimmerman from Minneapolis --

7 MS. ZIMMERMAN: Good morning, Your Honor.

8 THE COURT: How are you?

9 And you're with one of those other people?

10 MS. ZIMMERMAN: The Minneapolis contingent.

11 THE COURT: Okay. All right. And the defense  
12 lawyers are Mr. John Beisner --

13 MR. BEISNER: Good morning, Your Honor.

14 THE COURT: And Stephen Harburg.

15 MR. HARBURG: Good morning, Your Honor.

16 THE COURT: And y'all are with Skadden Arps, I  
17 assume?

18 MR. HARBURG: In Washington, D.C., Your honor.

19 It might be a little less contentious here than in  
20 Washington.

21 THE COURT: It is?

22 You know -- yeah. Yeah, it is. It is.

23 Kenneth Inskeep from Indianapolis.

24 MR. INSKEEP: Good morning, Your Honor.

25 THE COURT: Are you the Skadden Arps, too?

1 MR. INSKEEP: No.

2 THE COURT: Well, good to have you.

3 MR. INSKEEP: Thank you.

4 THE COURT: And Mr. Powell.

5 MR. POWELL: I'm here, Your Honor.

6 THE COURT: And you had a hearing before me, too.

7 MR. POWELL: It was a pleasure, Your Honor.

8 THE COURT: And went all the way to the United  
9 States Supreme Court. And you were opposed to the  
10 solicitor -- former solicitor general, if I recall.

11 MR. POWELL: You recall correctly, Your Honor.

12 THE COURT: All right. If it makes you feel  
13 better, Mr. Powell won the case and Ken Starr was on the  
14 other side. It was the only trial Mr. Starr has ever tried,  
15 that's what he told me. And I was giving the commencement  
16 speech last weekend at Baylor Law School and I leaned over,  
17 and I had said this to him before and I said, you know, maybe  
18 I should have ruled for you. And he said you could have but  
19 you would have been wrong. So he's a pretty class guy, he  
20 really was.

21 Seth Roberts.

22 MR. ROBERTS: Good morning, Your Honor.

23 THE COURT: Mr. Roberts, good to see you.

24 And then you're with Mr. Powell?

25 MR. ROBERTS: Yes, Your Honor.

1 THE COURT: Okay. And then Thomas Shea from  
2 Indianapolis.

3 MR. SHEA: Good morning, Your Honor.

4 THE COURT: Good to see you. All right.

5 Let me tell you some of the concerns I have and I want  
6 you to know -- obviously I know some of y'all and I don't  
7 mind telling you, I mean, if you went to Baylor I probably  
8 know you and if you're from Dallas I probably know you.

9 And those of you from other parts of the country I'm on  
10 the committee that decides where we build new federal  
11 courthouses and there's a judge of two or three from every  
12 circuit. So it isn't like I can't check y'all out from some  
13 of the federal judges over there, so you might want to start  
14 sucking up to them, because I'll ask them. There's one from  
15 every circuit on -- on the committee. And that's one of the  
16 things that I will do.

17 Now, in addition to that I mentioned Mr. Powell had a  
18 case here before.

19 Mr. Roberts clerked for me a number of years before,  
20 before he got married and before he had a baby and a number  
21 of other things. So I wanted y'all to know that.

22 I'm trying to think what else there may be.

23 I mean, the lawyers from Dallas I've known -- Mr. Sifford and

24 I were in Baylor at the same time. I knew Mr. Steakley's  
25 dad. And some of y'all -- Mr. -- let's see, who else was on

1 here?

2 Mr. Malouf clerked for the court that I used to be on  
3 before I was there. We've had a case or two together.

4 And Mr. Mandel just settled a big case in here and made  
5 a bunch of money, and so I'm happy to say obviously I know  
6 him.

7 So I'm happy to be transparent about that. Mercy, I  
8 don't know how you handle one of these without knowing a  
9 bunch of the folks on each side. So if you have questions  
10 about that I'm more than happy to tell you that.

11 I have a house in New Mexico for those of y'all from  
12 Albuquerque and up in the Red River area.

13 So, anyway, if -- if you want to kind of suck up. When  
14 I try these patent cases people find out I love dogs so they  
15 use dog analogies. I love Baylor, they will hire experts  
16 from Baylor, engineers. Whatever y'all think helps, I'm okay  
17 with that, that's fine.

18 In my background I was a criminal district judge. I  
19 tried murders, rapes, and robberies for seven years, nothing  
20 but that, in the '80s -- and then I was on the Court of  
21 Appeals. Then the -- when I was about 38 Bush, 41, tried to  
22 appoint me to the District Court and I got held up with a guy  
23 named John Roberts and he went on to bigger glory than I have  
24 but ten years later each of us got on the federal bench by  
25 the next Bush.

1 And let's see, what else about me?

2 I'm on the board of Baylor Healthcare System. My dad  
3 was a Baptist preacher. My brother is a Baptist preacher. I  
4 used to represent all the Baptists here. I'm a fan of the  
5 Rolling Stones. So anything else I'm happy to tell you that  
6 you want to know about me. My son is a lawyer. My  
7 son-in-law is a lawyer. I think that's most -- most of it.  
8 I'm a -- I teach ethics at Texas Wesleyan and at Baylor Law  
9 School, and I may teach at SMU this -- this next spring.  
10 Okay. I think that's most of it.

11 All right. Let me tell you some of my concerns and  
12 questions that I've got in trying to select -- and I would,  
13 like for y'all -- I -- I'll give you, you know, some of you,  
14 you know, two or three minutes to say something if you've got  
15 something today, but not about -- don't try to, "I'd be a  
16 great lawyer because," I'm not talking about that, but if  
17 there's some answers to some of these questions, fine.

18 I want you to make -- you've already made your case  
19 about why I should select you and I'm happy for anything else  
20 you want to send me about that, either as the lead counsel or  
21 on the committee or in some other role. I'm glad to listen  
22 to that, but I want to do that through written documents that  
23 you send me. We'll do that.

24 Let me tell you some of my concerns.

25 One is, you know, what type of plaintiff's counsel

1 structure is desired and what seems to work.

2 Some of y'all have worked -- y'all know each other,  
3 y'all have been on these MDLs, you've done a lot of that.  
4 What seems to work.

5 You know, would a lead counsel, liaison counsel, trial  
6 counsel and some committee structure fulfill the needs of  
7 this litigation.

8 One of the other concerns I've got is, you know, in the  
9 other litigation involving the -- how do you pronounce it  
10 again?

11 UNIDENTIFIED ATTORNEY: DePuy.

12 THE COURT: DePuy. I'll never get that. DePuy.

13 Are there some discovery out of that that we could use  
14 here that might save some time.

15 I'm a big believer in getting cases, the ones that are  
16 going to get tried, as soon as we possibly can. And so that  
17 will -- of the ones -- cases that I've got, I will try to do.

18 I want to know, and you've already told me who has the  
19 time and resources to take a substantial role in the  
20 litigation.

21 I want to know if -- what agreements are in place  
22 regarding organizational structure, that you're comfortable  
23 in telling me about, because I don't want to hear about that  
24 later on. Your agendas matter to me in this. If you're not  
25 going to be on these committees I don't care what your --



1 what deals you've made out there, but it does matter to me.

2 The defense has filed a motion today complaining about  
3 those that continue to file in state court and I'm thinking  
4 about the affect of that and whether you should take a lead  
5 role or not. I don't have an answer to that.

6 What kind of person or firm or individual would y'all  
7 like to see as lead counsel.

8 How would the smaller firms with fewer lawyers and  
9 resources -- how will they be able to commit these leadership  
10 positions and maybe some of y'all -- I do want some of y'all  
11 to serve on the committee, and maybe as lead lawyer. We'll  
12 have to -- we'll have to see.

13 And if you don't have a case pending in this MDL, you  
14 know, I'm kind of interested in that. It's not required but  
15 I'm interested.

16 What experience you've had. You've told me -- a lot of  
17 you have told me about that, so I've already got that.

18 What kind of committees would be -- would assist in a  
19 speedy and just disposition of the case.

20 What would the function of those committees be.

21 How many lawyers on each.

22 We don't want to get too many, too unwieldy, if we have  
23 a committee at all.

24 Who can commit the time and resources.

25 I do believe in bellwether trials, and so usually what I

1 will do is -- in other cases where -- where I've had multiple  
2 sort of cases is I'd let the defense pick one of the cases  
3 and plaintiffs pick one and we try one of each and then sort  
4 of see where we are, and that usually helps. There may be  
5 other ways that I haven't thought about it.

6 What -- what types of compensation -- now, I know that  
7 perked your ears up, for the lawyers in leadership positions,  
8 and how do I do this structure so that those that aren't on  
9 the committees feel like they are being represented and have  
10 a part and could come in here and complain to me if they  
11 didn't feel like -- and I want you to, you know, be  
12 comfortable in that.

13 If a percentage of recovery is used, what percentage  
14 would be appropriate.

15 If an hourly rate is used what -- you know, what would  
16 be the hourly rate. I'm interested in that.

17 What type of records would you want to verify billing  
18 and how often would you want me to check those records.

19 Would there be a cap on the number of hours. Those sort  
20 of things. I'm interested in that. I'm very interested in  
21 that.

22 Are there already agreements in place regarding  
23 compensation. I don't care unless you're going to be in a  
24 leadership role and then I care.

25 Scheduling, would a scheduling order assist in the

1 disposition of the MDL proceeding. I think it would, but I'm  
2 willing to listen to y'all if you think that it would not.

3 And what events should include, just in the -- in the  
4 normal scheduling order I know what it would include, you  
5 know, amendments, motion to dismiss, summary judgment, things  
6 like that.

7 How long would you need for discovery, in this  
8 particular case.

9 You know, I'm thinking because of the other, you know,  
10 case maybe some of that would shorten some.

11 What's an estimate of when we can get to trial, two  
12 years, three years.

13 How often would you want me to conduct status  
14 conferences. I don't generally do that now.

15 What would you want covered if I did that.

16 Would a special master - that's something I've thought  
17 about - assist?

18 Everybody's going to have to sign up for our CM/ECF  
19 system, I'm assuming all of you are. And if you don't, you  
20 know, then you're going to be removed from the attorney to be  
21 noticed for filings. And all the filings are going to have  
22 to be electronic through CM/ECF.

23 Now, some other questions that I've got are what are --  
24 my philosophy is to try to get cases to trial as quickly as  
25 possible. And I generally do not use magistrate judges.

1 I'll have to have some help in this.

2 I am involved in one of the patent pilot projects, so I  
3 will be doing that, too. I do have a very low docket, one of  
4 the lowest dockets you may notice in the country. Not thanks  
5 to me, but thanks to Ronnie Jacobson, and Mr. Hatchitt and my  
6 other lawyers. We've run -- they have done a good job of  
7 running a very efficient court and we'll try to do that. So  
8 I won't let it bog down and I'll make -- try to make the  
9 decisions quickly, but if there's a problem I want a  
10 structure in place where you can complain and say, judge, we  
11 need -- we need -- we need this response, we need to know, we  
12 need to move on. So that's sort of -- that's -- that's my  
13 philosophy with regard to that.

14 Okay. That's enough from me.

15 Let me hear a little bit from -- if there's -- you know,  
16 I guess I can hear from eight or ten of y'all. And I know  
17 everybody wants to jump up and speak, but if you've got  
18 something that would -- you know, that -- that I need to add  
19 to these questions, I don't want to hear a pitch, I don't  
20 want to hear that today, but you go, judge, you might want to  
21 add this question to it or something like that, let me know  
22 that.

23 If there's something like that, you know, raise your  
24 hand, stand up, and speak loudly, because the acoustics are  
25 not very good in here, and tell me your name, and then I'll

1 try to add eight or ten of those things to the list, or  
2 questions that you have of me, I'll try to answer those so  
3 far about this.

4 Anybody?

5 Anybody in the jury box?

6 Yes, sir. You're Mr.?

7 MR. BECHNEL: Bechnel.

8 Judge, I think you want to do trials. I think for a  
9 summary jury trial you want to do them quickly, especially in  
10 the case that may have some liability, might move the process  
11 a lot quicker --

12 THE COURT: Okay.

13 MR. BECHNEL: -- than sitting down and -- and  
14 spending a month on a major trial that is going to cost two  
15 or three million dollars on each side. And you could do that  
16 in two or three weeks. And it's been done in a number of  
17 cases and it works very well to give everybody a sense of  
18 what's happening.

19 THE COURT: I'm a big -- I think that's great. I'm  
20 a big believer in that.

21 Y'all need to know I'm a big believer in the jury system  
22 and jury trials. And I -- you know, I'm afraid that all of  
23 us -- you know, the next generation, it's not going to be  
24 there if we don't do something, shortening it and getting  
25 things to the point. I do want to do that. That's a great

1 idea. So I will seriously consider that.

2 Let me tell you something else I'm a big believer in.  
3 Technology. We just went through a trial and these  
4 lawyers -- it was a car wreck case -- couldn't financially  
5 afford a lot of things. But one, you know, use HD cameras.  
6 Heck, if you can do a hologram do that. Whatever.

7 Juries and jurors now expect what they see on  
8 television. I bought a new television at -- you know, I went  
9 in to buy one to have outside and I was going to spend up to  
10 \$200 and I came home with the most expensive one that Frye's  
11 had. And my son-in-law said to my daughter, "Your dad did  
12 not stay on plan." And he was right about that. But I  
13 noticed that you can see that Julia Roberts has a little  
14 scar. I mean, I am shocked. But that's what we expect. And  
15 y'all need to realize that as much as -- y'all don't poor boy  
16 it, but I want high quality. If we're going to show this hip  
17 I want it in a -- you know, where it's easy to see what you  
18 complain about and then what DePuy thinks is right. I want  
19 it to be first rate. And so that's -- I'm a big believer in  
20 that.

21 And you go, gosh, you're spending our money. I get  
22 that. But HD cameras are not that expensive, and there are  
23 ways. So I think shorter, better technology, and -- and I'll  
24 work with you on that. And I'm open and amenable. That was  
25 a good idea.

1 MR. BECHNEL: Judge, I might add.

2 THE COURT: Oh, wait, you're going to take two  
3 shots?

4 MR. BECHNEL: No. I was going to tell you federal  
5 judicial has some great films on summary jury trials.

6 THE COURT: Okay. Thanks. I will, I'll look at  
7 it. I promise.

8 You're Mr.?

9 MR. SHKOLNIK: Hunter Shkolnik from New York.

10 I think one thing you may want to add to your list is  
11 coordination with the state proceedings. There are going to  
12 be New Jersey -- as usual the New Jersey, the California,  
13 there may be another. And I think that will help all of us  
14 and will help the process and help the court move quickly.

15 THE COURT: That's a great -- and I meant to  
16 mention that. And I had it down and I forgot to say it. I  
17 will work hard to coordinate that. I'm not certain how I'm  
18 going to do that, but I will.

19 Let me give you my -- I was a state judge for a long  
20 time. I'm not going to lord it over y'all or them. And I  
21 will do my best to coordinate that in a way that everybody  
22 feels good about it and the judges don't feel like that  
23 I'm -- I'm the federal judge and, you know, whatever.

24 So I promise you, I'll work hard at that. And, you  
25 know, some of these will -- you know, there may be motions to

1 remand and I'll deal with that, and I don't -- I don't know  
2 how that will go, but I know that's a big issue and I'll work  
3 on that, I promise.

4 Yes, sir. Mr. Malouf.

5 MR. MALOUF: Your Honor, the court might consider  
6 the appointment of a joint technology committee for  
7 management and presentation technology with counsel for DePuy  
8 and with plaintiff's side, largely because with this number  
9 of lawyers involved and firms involved, even if the committee  
10 is relatively small, there has -- there's a tendency at times  
11 to be somewhat disparate in the technology and how it's --  
12 what's managed and what's used, what kind of programs.

13 And if the court will consider appointment of a joint  
14 committee, it can be small, say four counsel, two per each  
15 side.

16 THE COURT: That's a great idea. That's a great  
17 idea. I hadn't thought of that, Mr. Malouf. That's a great  
18 idea. In fact, in this case that happened, that -- you know,  
19 we actually have wireless technology, you can communicate  
20 with the little projector that's right under -- in there, and  
21 one side could and one side couldn't.

22 So you're absolutely right and I'll -- I'll work on that  
23 with -- Mr. Powell, are you going to kind of be the lead  
24 individual over there is one of --

25 MR. POWELL: Mr. Beisner will be the lead here.



1 THE COURT: Oh, Mr. Beisner, good.

2 MR. POWELL: But we will all work together. We'll  
3 be working together.

4 THE COURT: Oh, that was the right answer.  
5 Go ahead, Mr. Malouf, was there something else?

6 MR. MALOUF: With regard, for example, to document  
7 production, deposition transcript management, video  
8 management, if counsel work together we can really minimize  
9 the cost to -- to both sides of a uniform, --

10 THE COURT: Great idea.

11 MR. MALOUF: -- unified technology group.

12 THE COURT: Great idea. That's a great idea.

13 And I want y'all to know what my -- not that I have any  
14 quirks or demands -- my wife says I do, but I like the  
15 exhibits in a certain way.

16 I hate these big old thick books that you flip them  
17 and -- I'm just not very good at working them. I would  
18 rather have individual and then I pull the files out with the  
19 exhibits. It's just easier for me. And so we'll talk about  
20 that. If it's easier for y'all with these notebooks, I'll  
21 use them. But mercy, it looks like some book out of Harry  
22 Porter or something, you know. I don't know. But I hate  
23 them, but -- just because I don't have enough room up here  
24 for them -- to make them work.

25 I'll talk to -- that's a great idea, Mr. Malouf.

1 Thank you.

2 Ms. Blue.

3 MS. BLUE: Yes, sir. Two questions.

4 I'd like to know your policy about your law clerks and  
5 if it's okay for the lawyers to contact your law clerks, and  
6 if you could introduce them.

7 And secondly, who will be your magistrate and how do you  
8 see your magistrate being used?

9 THE COURT: That's a good question.

10 I'm not sure -- I don't know the answer on the  
11 magistrate question yet.

12 And, you know, it -- it would bog one of our magistrates  
13 down so much that it makes my colleagues angry with me.

14 I would prefer probably to have a special master do  
15 that, and I'm thinking about that. That's my -- I don't  
16 know. And I don't mind you talking to my clerks.

17 I haven't decided who I'm going to have work on it yet.  
18 Those are excellent questions and I don't have any answer,  
19 but thank you very much.

20 Who else back over here?

21 Yes, sir. You're Mr.?

22 MR. SAMBERG: Peter SAMBERG.

23 THE COURT: SAMBERG?

24 MR. SAMBERG: SAMBERG.

25 THE COURT: Okay.

1 MR. SAMBERG: Your Honor, I'm -- I believe the  
2 court is probably a firm believer in not re-creating the  
3 wheel.

4 THE COURT: I'm not. I agree. Yes.

5 MR. SAMBERG: And there are protective orders that  
6 were signed in the DePuy litigation --

7 THE COURT: Why don't we use those.

8 MR. SAMBERG: Use those?

9 And the same thing with discovery, we have everything  
10 already lined up.

11 THE COURT: Great idea. We'll see if we can.  
12 We'll see if we can. I'm sure that the defense is going to  
13 have some comment about that and they will go, well, that  
14 doesn't fit at all, or -- I don't know. Maybe not. Maybe  
15 not.

16 Yes, sir. You are Mr.?

17 MR. HAINDFIELD: Haindfi el d.

18 THE COURT: I -- I didn't hear it.

19 MR. HAINDFIELD: Mr. Haindfi el d.

20 THE COURT: You need to understand, there's air  
21 conditioners, because it's going to be 175 outside here soon,  
22 so we've got these running over here. So if you will speak  
23 up.

24 MR. HAINDFIELD: Yes. Mr. Haindfi el d From Des  
25 Moines, Iowa.

1           Your Honor, one of the issues that -- that confronted  
2           the JPML panel was whether this MDL should be confined to the  
3           metal-on-metal configuration of this hip versus the  
4           metal-on-poly, and that was an issue that the JPML --

5           THE COURT: Versus the metal on, and I couldn't  
6           hear the next word.

7           MR. HAINDFIELD: Yes. Metal-on-metal only.

8           THE COURT: Versus?

9           MR. HAINDFIELD: Metal-on-metal only.

10          THE COURT: Versus what?

11          MR. HAINDFIELD: Oh, metal-on-poly.

12          THE COURT: Poly. Okay. That's what -- I couldn't  
13          hear that word.

14          MR. HAINDFIELD: Yes, sir.

15          THE COURT: Which I'm assuming is some kind of  
16          plastic?

17          MR. HAINDFIELD: Yes. Polyethylene.

18          THE COURT: Okay.

19          MR. HAINDFIELD: And that was one of the issues  
20          that the JPML thought was important that we tackle early on  
21          in this litigation to determine which configurations of the  
22          hip would be part of these proceedings. And there was some  
23          disagreement amongst counsel about that. And I would suggest  
24          that that would be a topic that we tackled early on.

25          THE COURT: Okay. That's a good question.

1 Thank you.

2 Anybody else back over here?

3 Great. Gosh.

4 Yes, sir.

5 MR. HART: Judge, John Hart.

6 One -- one comment that I don't think you referenced,  
7 but science today I think may well be very important in terms  
8 of --

9 THE COURT: I couldn't hear what you said.

10 MR. HART: Science today may be particularly  
11 important in this case, Your Honor.

12 One of the references was to the different  
13 configurations, whether it's metal-on-metal,  
14 metal-on-plastic, metal-on-ceramic, and I think having that  
15 information and distilling those issues early rather than  
16 later would be helpful certainly in discovery and moving  
17 toward trial issues.

18 THE COURT: Okay. Thank you. I appreciate that.

19 MR. HART: Of course, Your Honor.

20 THE COURT: Anybody else back there?

21 Okay. How about the defense?

22 Y'all have been sitting there quietly.

23 By the way, if y'all settle it, let me know here --

24 (Laughter)

25 MR. BEISNER: Your Honor, John Beisner, if I may.

1 Just one procedural question we have and that is over  
2 the extent of sort of the stay on the calendar that's in  
3 place at the moment.

4 I think our suggestion would be to -- with respect to  
5 routine things, such as answers and initial motions and  
6 whatnot, it may be good to be clear. I think our  
7 interpretation of the order is that those sorts of things we  
8 think are stayed, but we're not a hundred percent sure. But  
9 it struck us that -- that perhaps getting together with  
10 plaintiff's leadership, once Your Honor designates them, and  
11 working out a case management order to address all those  
12 things, there may be some more streamlined ways to deal with  
13 motions and answers, fact sheets, all those sorts of things.

14 THE COURT: I agree. I agree. I agree with you  
15 about that. And that's a great idea.

16 Anything else?

17 MR. BEISNER: I believe that's all for right now,  
18 Your Honor.

19 THE COURT: For y'all that's all?

20 MR. BEISNER: That's all for right now.

21 THE COURT: Did you hear some of these other  
22 suggestions and the thoughts about metal-on-metal versus  
23 metal-on-plastic?

24 Have y'all thought about those issues?

25 MR. BEISNER: Well, -- well, on that let me note,

1 Your Honor, that's another thing where I think we need to get  
2 the facts first.

3 We don't know with certainty the population of the case,  
4 how many metal-on-metal --

5 THE COURT: Okay.

6 MR. BEISNER: -- versus metal-on-poly. That's  
7 something we'll learn through the fact --

8 THE COURT: So you're saying we don't want to know  
9 that up front, it's something that -- after we get all the  
10 facts?

11 MR. BEISNER: Yeah. And I -- I think that's  
12 something we can determine pretty early. That's --

13 THE COURT: Okay.

14 MR. BEISNER: -- that's -- that's a question. But  
15 we don't know that and I suspect no one in the room has a  
16 firm sense of that.

17 Once we find out what the numbers are, the answers may  
18 be more obvious.

19 THE COURT: I have a question for you.

20 This requires more -- I don't call lawyers without the  
21 other lawyer being there and talk about the case, but this is  
22 one -- at this point I'm trying to figure out of these people  
23 who I'm going to pick, and I'd kind of like to interview some  
24 of them I don't know. I may do that.

25 Do y'all have objections to that?

1 MR. BEISNER: No, Your Honor, not at all.

2 THE COURT: I don't -- I don't know another magic  
3 way to do it, other than you're going to have to sit there.  
4 And I'm okay if you want to, but think about that. Okay?

5 MR. BEISNER: Your Honor, I think offhand that we  
6 wouldn't have any objection to that. I think it's a great  
7 idea. I think things like that have been done in -- in other  
8 proceedings and, you know, as we noted in our filing, that's  
9 a question for Your Honor. And I think plaintiffs --

10 THE COURT: Yeah.

11 MR. BEISNER: If you hear any good stories in that  
12 process.

13 THE COURT: I'm what?

14 MR. BEISNER: Any good stories you hear in that  
15 process, we'd like --

16 THE COURT: Oh, good, I will. Okay.  
17 Or things that would help you in some way?

18 (Laughter)

19 MR. BEISNER: Yes. I don't think we need to sit  
20 there through the whole process.

21 THE COURT: All right. Any admissions against  
22 interest I'll write down. I promise. I will. I'll give  
23 those to you.

24 (Laughter)

25 All right. Any other thoughts?



1 Yes, sir. You're Mr.?

2 MR. SEEGER: Ken Seeger, Your Honor.

3 THE COURT: Yes, sir.

4 MR. SEEGER: From California.

5 You started off in the beginning saying how you wanted  
6 us to respond in writing to your --

7 THE COURT: Or with a DVD or a CD or a hologram. I  
8 don't care.

9 MR. SEEGER: As far as those -- those visuals are  
10 you talking about as far as the HD --

11 THE COURT: Any of that. Anything. Preferably  
12 short, to the point, you know, that you want me to -- either  
13 about these questions that I have or anything else that beefs  
14 up your reason I should either select you as lead or on the  
15 committee or Mr. Malouf's suggestion that there be -- I  
16 hadn't thought about a technology committee or the other  
17 thought about discovery and those sort of things. I'm  
18 interested in that.

19 And I will say this. I'm going to try on this committee  
20 to have some of y'all from California, some from the east and  
21 some from the -- Minnesota, some folks. I'm going to try to  
22 have a reasonably geographic and other diverse kinds of folks  
23 with different backgrounds and size of firms, because I -- I  
24 came from a smaller firm. And, you know, when you're in a  
25 smaller firm it's those big Downtown Dallas lawyers, you

1 know, whatever. I remember all that, and so I get it.

2 And I will try -- I just want everybody to have an  
3 outlet. But I also want to tell you, you will have an outlet  
4 with me. If something is going wrong you can file a motion  
5 and say, judge, this whole thing is falling apart, you've got  
6 to intervene, if you don't we'll be in Waterworld and only  
7 Kevin Costner will be able to navigate that world. Whatever.  
8 I'll be more -- and my analogies, by the way, don't always  
9 work, but I will try to use those from time to time. And,  
10 yeah, I'm a movie buff.

11 And so, you know, I will do my best to try to respond to  
12 what your concerns are. I like lawyers. I need -- I guess  
13 I'll tell you that. Do I like them all?

14 I didn't marry one. I married a school teacher. But  
15 I'm looking forward to this. I think it will be a good  
16 experience. And I hope to finish this before my time on the  
17 bench is over. And I'm going to be 60 this year and so, you  
18 know, I'd like to get this kind of done at some point.

19 But I generally move things pretty quickly if that's  
20 okay with y'all. That's sort of my philosophy, is get it  
21 going. I've got time to do it. And let me tell -- you were  
22 going to say something else.

23 MR. SEEGER: Yes, sir. And I apologize.

24 I was really focusing more on the mundane, that there's  
25 a lot of people here. Were you thinking that you were going

1 to get something in writing for each of these individuals?

2 Would you like us to coordinate some kind of joint  
3 response?

4 THE COURT: No. You just send me your own stuff.  
5 I'm a big boy, I can read 60, 70, 80 things. And I will say  
6 this. This could be the thing that could hold it.

7 In this La Familia drug cartel case there are a  
8 hundred -- several -- I don't know. I think it's the largest  
9 criminal case in the country right now, with most defendants  
10 maybe. And I'll just have to -- those have not been going to  
11 trial, but if they do, that would be something. But we can  
12 handle that while we're doing this. I will not have them  
13 here the same day I have you here. It will not be that --  
14 the security is a little different for them. Some of these  
15 fellows are in the witness protection program in the  
16 penitentiary. I didn't know there was one, but there is.

17 So, anyway, those are the kind of things going on here  
18 that might disrupt. But I expect to hear from you  
19 individually or collectively, however y'all want to do it,  
20 that's fine. I want to give you that first shot.

21 And then -- and I've gotten letters saying this lawyer  
22 ought to be the lead lawyer, I'd like to be on the committee  
23 and why. And I read every one of those, and I'll look at  
24 that.

25 I want something -- is 30 days enough time for y'all.

1 Is that too much time?

2 I think 30 days is enough time for y'all to do something  
3 and -- and we'll work on that.

4 Does anybody have a thought about this special master  
5 business, yes or no that you want to give me an opinion  
6 about?

7 You're Mr.?

8 MR. BECHNEL: Bechnel.

9 THE COURT: Yes, sir.

10 MR. BECHNEL: Your Honor, I think that's one of the  
11 most important things that any MDL can have, is a special  
12 master.

13 THE COURT: You like having one?

14 MR. BECHNEL: I love having one.

15 THE COURT: Okay. Rather than dealing with me  
16 you'd like to have some --

17 MR. BECHNEL: No. No. They can move things where  
18 you don't have to deal with them on a daily basis.

19 For example, in BP they appointed Francis McGovern. In  
20 many, many of these cases -- Judge O'Malley had a law clerk  
21 who is now a special master and he's -- he's great.

22 THE COURT: Okay.

23 MR. BECHNEL: I think you ought to appoint -- Ken  
24 Starr would be absolutely fabulous.

25 THE COURT: Oh, you need to understand, Baylor

1 University would shoot me and he would shoot me. You know,  
2 he would be great. He's a great guy.

3 What were you going to say, sir?

4 You're Mr.?

5 MR. ARSENAULT: Arsenault.

6 THE COURT: Yes, sir.

7 MR. ARSENAULT: You had mentioned Judge Kate  
8 O'Malley. She appointed a special master in Sulzer and  
9 Welding Rods. And Mr. Bechnel made reference to her special  
10 master, his name is David Cohen. He was also the special  
11 master in the Fleet case. He also does a news article and  
12 Internet deal, very capable young man.

13 THE COURT: Remind -- is that the Fleet, the  
14 product that you take before you have the colonoscopy.

15 MR. ARSENAULT: Yes, sir.

16 THE COURT: I may have -- I don't know. I may have  
17 been somebody that might have been in that case, but I don't  
18 know. I'm over 50.

19 Okay. And I've -- I've read some of these materials and  
20 I've seen that.

21 So is there somebody that thinks having a special master  
22 is a bad thing?

23 Okay. I thought some of y'all wouldn't like that.

24 That's interesting.

25 How do you keep the expense down?

1 Mr. Harrison.

2 MR. HARRISON: Your Honor, I -- there are many of  
3 us who are interested in this litigation - because of this  
4 court - looking forward to appearing before this court and  
5 bringing our cases before this court.

6 With respect to a special master, I hope our primary  
7 dealings are with you.

8 THE COURT: Okay.

9 MR. HARRISON: But to the extent that you feel you  
10 need a special master and that that will expedite the  
11 process, we're all going to jump --

12 THE COURT: That's a good -- see, that's a really  
13 good thought. And I -- let me -- let me respond,  
14 Mr. Harrison.

15 I'm going to be real involved, even if I have one of  
16 those. And that was a really good suck-up comment,  
17 Mr. Harrison, I like that, so I will remember that.

18 (Laughter)

19 I'm not going to do that. And there's not going to be  
20 somebody between you and me that y'all aren't going to be  
21 comfortable with. It will be an extension of me. It won't  
22 be -- I won't do that. I'm not -- I'm not interested in  
23 that.

24 And the same is true, I have to tell you, with regard to  
25 lead counsel for plaintiffs. It's got to be somebody that

1 can get along with all of y'all and be a really hotshot,  
2 quality lawyer. It just does. And so we'll see. We'll see  
3 kind of where we go.

4 And then the committee will be made up of a -- of a  
5 cross-section of folks that have different ideas.

6 Yes, sir.

7 MR. BEISNER: Your Honor, on the special master  
8 issue, I guess one suggestion to be made is it may be good to  
9 look at that once we get the structure in place --

10 THE COURT: Okay.

11 MR. BEISNER: -- and work through the case  
12 management.

13 I think my experience has been special masters can be  
14 extremely useful, but I -- I share the concern you're  
15 expressing that if you set up a process where everything goes  
16 through the special master first -- and I understand you're  
17 not necessarily suggesting that, but if you have sort of an  
18 omnibus special master -- I've been in a case where that  
19 slows down the process.

20 THE COURT: I don't want to slow it down.

21 I'm -- I'm -- what I'm expecting are bottlenecks and I  
22 don't think I can anticipate those. I generally don't even  
23 use magistrate judges. That's my philosophy. I do it all.  
24 I rule -- you know, if y'all call with some discovery issue  
25 on -- this is typical.

1 I got a call at 4:40 on a Friday and the lawyer said we  
2 have an emergency.

3 Okay. What's the emergency?

4 Well, judge, today is the last day for discovery, does  
5 it end at 5:00 o'clock or at midnight?

6 And I said what's your mother's name, what's her phone  
7 number, I'm going to call her and I want both y'all -- and  
8 I -- and I really did shame them. And I said, are you  
9 serious?

10 But, anyway, that's the way I handle it. I'm very  
11 frank. What you see is what you get. I'm not going to beat  
12 you up, but I will -- where I think you're not seeing the  
13 world through the real what's going on, I'm a pretty  
14 practical kind of guy and I'll try to work with y'all on  
15 that.

16 Now, let me tell y'all I -- the technology is -- the --  
17 when we get to that you're going to have to help me and I  
18 want the primer and help me with those sorts of things as we  
19 get there, and what would be helpful, what I need to know.

20 Oh, I want to tell you, I think my dad had two hip  
21 replacements. I have no idea -- since he's dead, I don't  
22 have any -- I don't know what kind he had. I think my mom  
23 has had one. I'll have to ask her. She's 93. But I'll find  
24 out.

25 So I just want y'all to know -- and I don't have any



1 special knowledge because of Baylor and healthcare. I wanted  
2 y'all to know that. I mean, obviously, we have some  
3 orthopedics putting in hips, I guess. But I don't have any  
4 special knowledge about that, you need to know that.

5 But so I don't -- I want you to know I don't have any --  
6 and if you're -- if you're concerned about that let me know.

7 Is anybody going to have some concern about that?

8 I enjoy being on the Baylor Healthcare System Board and  
9 I'm not going to quit that. And I guess I'm a frustrated  
10 doctor. If I could do it, I would. But, heck, I went to law  
11 school, I mean, that's what I was capable of doing.

12 Anything else y'all want to know?

13 Mr. Malouf.

14 MR. MALOUF: Your Honor, you asked a question, how  
15 does the court manage the potential expense associated with a  
16 special master and I had three suggestions.

17 Number 1, that it be someone local, in Dallas.

18 Number 2, that it be someone that the parties agree to,  
19 or at least undertake to agree to.

20 If both parties or each side has confidence in whoever  
21 the court selects, that's helpful.

22 And number 3, the court can impose a rule that nothing  
23 goes to the special master unless it's referred by the court.  
24 And the parties could -- and the court could say any time you  
25 think something might need to be referred to the special

1 master I'll give you one page in which to explain why, send  
2 me your one page, the other side has three days to respond,  
3 and then the court can somewhat control the flow of  
4 assignment to the special master that way, and that's just a  
5 suggestion.

6 THE COURT: Yeah. You know, one of the things I  
7 thought I would do is if it got overloaded, that's where I'm  
8 thinking. And the special master has got to be somebody that  
9 I'm -- I'm comfortable with and that -- that behind closed  
10 doors I can have a very frank discussion with about you need  
11 to kind of work on this a little bit and work through this  
12 and those -- that's kind of the individual that I would --  
13 you know, would want. So that's -- those are good thoughts.

14 Anything else?

15 Y'all got any ideas?

16 Mr. Lanier?

17 MR. LANIER: The only thing I was going to add on a  
18 special master, Your Honor, is -- is there will be some  
19 things that I think are ultra tedious that once you set up  
20 your rules and guidelines someone like a special master could  
21 institute. For instance, there will be millions and millions  
22 of documents in this case and the privilege log issues are  
23 incredibly time intensive.

24 THE COURT: You mean y'all won't agree on  
25 everything?

1 MR. LANIER: I suspect if they would show us what  
2 was marked privileged we might agree with a bunch of them,  
3 but we have suspicious natures.

4 THE COURT: I'm shocked.

5 You, Mr. Lanier?

6 MR. LANIER: Just on Fridays. But the net is that  
7 I think Mr. Beisner is right and Mr. Malouf is right and that  
8 that doesn't need to be decided in the immediacy.

9 THE COURT: Okie doke.

10 MR. LANIER: The immediacy would be these other  
11 things, and then we could set that up and try to come to some  
12 pool of people to put in front of Your Honor or you give us a  
13 pool or whatever you want to do it is fine, but it should be  
14 someone local that you have confidence in.

15 THE COURT: Okay. And I will say this. I do want  
16 somebody that y'all have confidence in, but it's -- I'm not  
17 going to let y'all pick it. You know, I'm really pleased  
18 that the president gave me this job and I'm -- I'm kind of  
19 going to do it, and so, you know, on those sort of things.

20 Sherry, why are you standing there?

21 Just a second. The jurors have a question.

22 (Pause.)

23 THE COURT: Well, I've got to go back to my trial.

24 But I -- I hear you. I'm not going to pick somebody  
25 that y'all don't like. That's not going to happen. I'll be

1 surprised, anyway, if that happens.

2 So, all right. Thank y'all very much.

3 I know y'all are needing to get back to the airport.

4 And 30 days. I want to hear in the next 30 days.

5 Thank y'all.

6 And I'll be here, if y'all want to introduce yourself.

7 I'm happy to shake your hand, that kind of thing. I'll be  
8 here for -- if you will just wait a minute, let me go deal  
9 with this issue with these lawyers, I'll come right back out.

10 I'd like to shake everybody's hands before y'all get  
11 back on the plane going back to New York.

12 (End of proceedings.)

13

14

15

16

17

18

19

20

21

22

23

24

25

\$200 39: 1	3 58: 6	77069 2: 31	Al buquerque
	30 17: 1, 52: 13,	7th 2: 14	4: 19, 4: 35,
	52: 15, 60: 12		4: 39, 13: 21,
< 1 >	317/231-7242		31: 5
1 58: 1	3: 21	< 8 >	Al exander 4: 23,
10003 1: 27	317/231-7738	80 51: 18	12: 10
10016 2: 15	4: 5	80s 31: 13	Al exandri a
11 3: 19, 4: 3	318/487-9874		2: 23, 5: 31,
11-MD-2244-K	2: 24		6: 12, 11: 13,
1: 10, 8: 20	38 31: 14	< 9 >	21: 1, 25: 21
1100 6: 36	3: 1: 10, 8: 20	93. 57: 8	al ready 32: 11,
112 2: 13	3: 00 15: 4	94105 1: 42	33: 11, 34: 10,
1190 2: 22		94108-2615 2: 6	35: 15, 43: 25
1440 3: 4, 3: 12,			Al ton 5: 9,
3: 43	< 4 >		16: 14, 16: 16
15 20: 21	41 31: 14	< A >	Al yson 5: 36,
1525 6: 36	415-981-9260	a.m. 15: 4	22: 1
1530 1: 41	1: 43	abl e 34: 2,	amenabl e 39: 15
1710 1: 33	415/981-7210	50: 20	amendments
175 44: 10	2: 7	absol utely	35: 23
1960 2: 30	440 1: 32	41: 13, 53: 11	amongst 45: 12
	45 20: 22	accent 14: 19	anal ogi es 31: 8,
	455 1: 40	acoustics 37: 16	50: 21
< 2 >	46204 3: 20, 4: 4	Across 16: 24,	ANAPOL 4: 11,
2 58: 2	4: 40 56: 12	17: 1	11: 11, 11: 12
20005 3: 13,		actual ly 41: 10	Anchorage 15: 4,
3: 44		addi tion 30: 12	15: 7
20005-2111 3: 5	< 5 >	address 46: 24	Angel es 4: 23,
2011. 61: 6	50. 54: 5	admi ssi ons 49: 9	6: 20, 12: 10,
202-371-7209	5: 00 56: 16	advi ce 24: 4	27: 1
3: 6		affect 33: 22	angry 43: 4
202/371-7470		afford 11: 5,	answer 33: 23,
3: 45	< 6 >	38: 21	37: 19, 41: 20,
202/371-7850	60 51: 5, 51: 18	afraid 38: 14	43: 1, 43: 9
3: 14	650 2: 4	agendas 33: 17	answers 32: 10,
212/784-6410	6810 2: 30	ago 15: 7	46: 18, 47: 1,
2: 16		agree 43: 19,	48: 5
214. 662. 1557		47: 2, 58: 2,	anti cipate 56: 8
6: 38	< 7 >	58: 3, 59: 7,	Anybody 11: 8,
214/740-8453	70 51: 18	59: 10	37: 21, 37: 22,
3: 37	700 1: 26	agreements	45: 16, 46: 8,
214/740-8520	713/659-5200	33: 14, 35: 15	52: 17, 57: 16
3: 29	2: 32	ah 21: 18	anyway 11: 11,
2200 2: 21,	713/844-3750	ahead 41: 21	31: 6, 52: 5,
3: 26, 3: 27,	1: 35	ai r 44: 9	56: 21, 60: 9
3: 34, 3: 35	71309-1190 2: 23	ai rlines 13: 2	apart 50: 18
25th 2: 5	75201-6776 3: 28	ai rport 60: 11	apol ogi ze 51: 11
	75204 3: 36	AL 4: 33, 5: 7,	Appeal s 31: 14
	75242 6: 37	6: 28	appeari ng 54: 16
< 3 >	77002 1: 34	Al aska 14: 23	appoi nt 31: 15,

<p>53: 10  appointed 53: 6,  53: 20  appointment  40: 22, 41: 4  appreciate 8: 8,  46: 6  appropriate  35: 7  area 31: 5  Arps 3: 2, 3: 10,  3: 41, 28: 12,  28: 21  ARSENAULT 2: 19,  2: 20, 11: 13,  11: 14, 53: 17,  53: 19, 54: 2  article 53: 23  assigned 18: 24  assignment  58: 12  assist 34: 11,  35: 18, 36: 10  associated  57: 24  assume 28: 13  assuming 36: 12,  45: 4  Atlanta 6: 4,  24: 9  ATTORNEY 21: 23,  33: 4, 36: 13  Aurora 4: 13,  5: 25  Austin 5: 21,  5: 38, 19: 2,  22: 14  available 10: 9  Ave 2: 13, 3: 4,  3: 12, 3: 26,  3: 34, 3: 43  away 11: 7  Azar 4: 13,  11: 16</p> <p>&lt; B &gt;  baby 30: 15  back 8: 11,  16: 2, 18: 20,</p>	<p>43: 11, 45: 16,  46: 8, 60: 6,  60: 11, 60: 17,  60: 18, 60: 19  background  31: 11  backgrounds  50: 11  bad 54: 9  BAGHDADI 2: 1,  11: 17, 11: 18  Baptist 31: 21  Baptists 31: 22  barbecue 27: 11  Barnes 3: 18,  4: 2  basis 15: 4,  53: 5  Baylor 29: 12,  30: 2, 30: 19,  31: 8, 31: 9,  31: 20, 32: 1,  53: 12, 57: 10,  57: 17  Beach 5: 13,  6: 2, 18: 2,  23: 20, 23: 24  Beard 2: 20  beat 56: 22  Bechnel 4: 15,  11: 19, 11: 20,  37: 24, 38: 5,  39: 17, 39: 20,  52: 20, 52: 22,  53: 1, 53: 4,  53: 10, 53: 21  beefs 50: 1  beginning 49: 18  behind 58: 17  Beisner 3: 1,  28: 8, 28: 9,  41: 16, 41: 17,  46: 13, 47: 5,  47: 8, 47: 13,  47: 19, 47: 24,  48: 2, 48: 14,  48: 18, 48: 24,  49: 2, 49: 7,  55: 18, 55: 22,  59: 15</p>	<p>believe 34: 18,  43: 17, 47: 5  believer 33: 8,  38: 12, 38: 13,  38: 19, 39: 11,  43: 18  bellwether  34: 18  bench 10: 2,  31: 17, 51: 5  best 40: 12,  50: 24  better 17: 25,  29: 8, 39: 14  Bierstein 2: 11  big 30: 23,  33: 8, 38: 11,  38: 12, 38: 13,  38: 19, 39: 11,  40: 18, 42: 7,  50: 13, 51: 18  bigger 31: 16  billing 35: 10  Birmingham  4: 33, 5: 7,  16: 11, 27: 25  Bissell 3: 25,  3: 33  bit 9: 21,  16: 22, 37: 8,  58: 19  Blizzard 1: 30,  1: 31, 11: 22,  11: 23, 11: 24  BLUE 4: 17,  11: 25, 12: 1,  12: 2, 12: 3,  42: 18, 42: 19  Board 31: 20,  57: 17  bog 37: 1, 43: 3  Bonaventure  2: 21  book 42: 12  books 42: 7  born 26: 10  bottle necks  56: 7  boudin 14: 15  bought 38: 25</p>	<p>Box 2: 22, 9: 25,  37: 22  boy 39: 7, 51: 18  BP 53: 6  Branch 4: 19,  12: 4, 12: 5,  12: 6  Braveheart 9: 6  break 23: 10  Brent 4: 39,  14: 2  Brian 4: 37,  13: 23, 14: 24  bringing 54: 17  Broadway 1: 26  brother 31: 21  buff 50: 23  build 30: 5  bunch 30: 24,  31: 1, 59: 10  BURKE 4: 21,  12: 7, 12: 8  Bush 31: 14,  31: 18  business 52: 18  buy 38: 25</p> <p>&lt; C &gt;  CA 1: 42, 2: 6,  4: 23, 4: 37,  5: 13, 6: 2, 6: 20  cag@lanierlawfi  rm.com 2: 33  Cahokia 17: 3  calendar 46: 15  CALFO 4: 23,  12: 10, 12: 11  California 2: 4,  10: 23, 26: 19,  40: 3, 49: 17,  50: 8  call 48: 8,  56: 10, 56: 12,  56: 18  called 23: 7  calls 22: 22  cameras 38: 22,  39: 13  cap 35: 12</p>
---	---	--	---

capable 53: 24, 57: 20	21: 25, 30: 7, 35: 11	45: 20, 55: 3	Conroy 2: 11
car 38: 21	Chicago 16: 16	Commerce 6: 36	consider 38: 18, 40: 21, 41: 4
care 33: 18, 35: 16, 35: 17, 49: 21	chosen 25: 2	commit 34: 2, 34: 17	contact 42: 21
cartel 8: 10, 51: 20	Chris 5: 7, 16: 11	committee 30: 5, 30: 10, 32: 14, 32: 24, 34: 4, 34: 16, 40: 22, 40: 25, 41: 5, 50: 3, 50: 4, 50: 7, 52: 10, 55: 15	contentious 28: 15
Cartmell 12: 15, 12: 16, 12: 17, 23: 6	circuit 10: 4, 22: 23, 30: 7, 30: 10	committes 33: 18, 34: 11, 34: 13, 35: 2	contingent 28: 6
case 8: 9, 8: 13, 11: 6, 14: 23, 29: 9, 30: 13, 30: 22, 30: 23, 32: 11, 34: 6, 34: 12, 36: 1, 36: 3, 38: 2, 38: 21, 41: 9, 45: 25, 46: 24, 47: 16, 48: 9, 51: 20, 51: 22, 53: 23, 54: 4, 55: 22, 56: 4, 59: 5	City 5: 41, 12: 16	communicate 41: 10	continue 33: 21
Cases 1: 13, 8: 10, 25: 17, 31: 7, 33: 8, 33: 10, 34: 19, 34: 20, 36: 17, 38: 8, 53: 7, 54: 17	claims 21: 24	compensation 34: 24, 35: 16	control 58: 12
cause 8: 20	Clark 17: 8	complain 35: 3, 37: 3, 39: 9	coordinate 40: 8, 40: 12, 51: 15
CD 49: 20	class 29: 15	complaining 33: 20	coordination 40: 2
certain 40: 8, 42: 6	clear 46: 19	comply 61: 3	CORDELLA 4: 27, 12: 23, 12: 24, 13: 1
certainly 46: 5	clerk 13: 8, 53: 7	computer 6: 42	correctly 29: 7
certainty 47: 16	clerked 30: 14, 30: 21	concern 55: 25, 57: 16	cost 38: 6, 41: 25
certify 60: 25, 61: 3	clerks 42: 20, 42: 21, 43: 7	concerned 9: 14, 57: 15	Costner 50: 20
chagrined 9: 15	Cleveland 4: 25, 5: 39, 22: 17, 22: 20	concerns 10: 17, 29: 25, 32: 4, 32: 17, 33: 1, 50: 25	counsel 32: 13, 32: 18, 32: 23, 32: 24, 33: 25, 40: 23, 41: 5, 41: 24, 45: 12, 55: 11
chair 20: 1, 20: 6	CLIMACO 4: 25, 12: 18, 12: 19, 12: 21	conduct 36: 6	counsellor 32: 13, 32: 18, 32: 23, 32: 24, 33: 25, 40: 23, 41: 5, 41: 24, 45: 12, 55: 11
change 8: 17	closed 58: 17	Conference 1: 18, 61: 4	country 30: 4, 36: 22, 51: 22
changed 10: 4	Clyde 4: 35, 13: 18	conferences 36: 7	County 17: 8
Charles 15: 3	CM/ECF 36: 11, 36: 15	confidence 58: 4, 59: 22, 59: 24	course 14: 17, 46: 7
Charlottesville 20: 15, 20: 17, 20: 19, 20: 24	CO 4: 13, 5: 25, 5: 42	configuration 44: 17	courthouses 30: 6
check 17: 9,	Coast 10: 20, 10: 21	configurations 45: 10, 46: 2	covered 36: 8
	Cohen 53: 22	confined 44: 16	criminal 8: 9, 31: 11, 51: 22
	colleagues 43: 4	confronted 44: 15	cross-section 55: 16
	collectively 52: 7		CRR 6: 35, 61: 11
	colonoscopy 54: 1		CRUMP 4: 29, 13: 4, 13: 5, 13: 7
	comedy 10: 4		CSR 60: 25
	comfortable 33: 15, 35: 4, 55: 8, 58: 17		Curtis 4: 31, 13: 10, 13: 11, 13: 12
	coming 8: 8		
	commencement 29: 11		
	comment 44: 3,		

<p>D. 3: 9  dad 30: 19,  31: 20, 39: 3,  57: 5  daddy 26: 5  daily 53: 5  Dallas 1: 3,  3: 28, 3: 36,  4: 17, 4: 31,  5: 17, 5: 19,  6: 16, 6: 37,  8: 4, 18: 12,  25: 12, 30: 3,  30: 18, 50: 13,  58: 1, 61: 14  Dana 6: 20,  26: 21  Daniel 4: 15,  4: 21, 6: 3,  11: 19, 12: 7,  23: 23  Dara 5: 5, 16: 6  daughter 39: 3  David 4: 41,  14: 9, 53: 22  day 52: 1,  56: 15, 61: 6  days 52: 13,  52: 15, 58: 11,  60: 12  DC 3: 5, 3: 13,  3: 44  dead 57: 6  deal 18: 23,  40: 17, 46: 25,  53: 5, 53: 24,  60: 16  dealing 53: 2  dealings 54: 19  deals 33: 19  decide 9: 6  decided 43: 8,  59: 16  decides 30: 5  decisions 37: 2  DEFENDANTS 3: 1,  8: 21, 20: 7,  51: 22  defense 28: 7,  33: 20, 34: 20,</p>	<p>44: 2, 46: 9  degree 20: 19  Dellaccio 4: 33,  13: 13, 13: 14,  13: 15, 13: 16  demands 42: 5  DEMERSSEMAN  4: 35, 13: 18,  13: 19, 13: 22  Denver 5: 42,  23: 13  deposition  41: 23  Depuy 1: 5,  8: 13, 8: 15,  8: 16, 8: 18,  8: 23, 33: 4,  33: 5, 39: 10,  40: 23, 43: 21  Des 4: 49,  15: 13, 44: 13  deserve 17: 25  designates  46: 23  desired 32: 19  determine  45: 10, 47: 25  Detroit 22: 6  DEVINE 4: 37,  13: 23, 13: 24,  14: 1  different 10: 5,  46: 1, 50: 11,  52: 2, 55: 16  difficult 8: 12  disagreement  45: 11  discovery 33: 6,  35: 25, 43: 24,  46: 5, 50: 5,  56: 10, 56: 15  discussion  58: 18  dismiss 35: 23  disparate 41: 2  disposition  34: 12, 35: 19  disrupt 52: 6  distilling 46: 4  District 1: 1,</p>	<p>1: 2, 1: 20, 8: 3,  8: 4, 8: 5,  31: 11, 31: 15,  61: 13  diverse 50: 10  Division 1: 3,  61: 14  divorce 24: 3  Docket 1: 8,  36: 21  dockets 36: 22  doctor 57: 19  Document 1: 13,  41: 22  documents  32: 15, 59: 4  dog 31: 8  dogs 31: 7  Doing 9: 24,  19: 5, 20: 10,  21: 24, 22: 11,  25: 24, 26: 4,  36: 21, 51: 25,  57: 20  doke 59: 17  dollars 38: 7  Don 6: 1, 23: 17  Donald 5: 27,  19: 17  done 32: 21,  36: 24, 38: 8,  48: 20, 51: 6  doors 58: 18  Douglas 4: 33,  5: 40, 13: 13,  22: 24  down 8: 9, 11: 1,  15: 7, 19: 22,  37: 1, 38: 5,  40: 7, 43: 4,  49: 10, 54: 12,  56: 5, 56: 6  Downtown 50: 13  drink 24: 3  drug 8: 10,  51: 20  Dublin 25: 5  DVD 49: 20</p>	<p>&lt; E &gt;  earlier 23: 7  early 45: 9,  45: 13, 46: 4,  47: 25  ears 34: 25  easier 42: 10,  42: 11  East 10: 21,  50: 8  easy 39: 9  eblizzard@blizz  ardlaw.com 1: 36  Ed 1: 19, 8: 5  Edward 1: 30,  11: 22  efficient 36: 25  eight 37: 9,  37: 18  either 32: 13,  49: 25, 50: 2  electronic  36: 15  emergency  56: 13, 56: 14  End 56: 16,  60: 20  engineers 31: 9  English 9: 7  enjoy 57: 17  enjoyed 9: 24  enough 37: 7,  42: 14, 52: 13,  52: 15  entitled 61: 2  Eric 5: 9, 16: 14  especially 38: 1  estimate 36: 4  ethics 32: 1  events 35: 21  Everybody 9: 22,  10: 18, 11: 2,  36: 11, 37: 10,  38: 9, 40: 12,  50: 15, 60: 18  everything  43: 24, 56: 1,  59: 8  example 41: 22,  53: 6</p>
--	--	--	--



excellent 43: 9  
 exhibits 42: 6,  
 42: 10  
 expect 38: 24,  
 39: 6, 52: 6  
 expecting 56: 7  
 expedite 54: 22  
 expense 54: 12,  
 57: 24  
 expensive 39: 2,  
 39: 13  
 experience  
 34: 9, 51: 4,  
 55: 24  
 experts 31: 8  
 explain 58: 10  
 expressing 56: 1  
 extension 55: 8  
 extent 46: 15,  
 54: 21  
 extremely 55: 25  
 Exxon 15: 8

< F >

fabulous 53: 11  
 fact 20: 3,  
 41: 9, 47: 1,  
 47: 20  
 facts 47: 15,  
 47: 23  
 falling 50: 18  
 Familia 8: 10,  
 20: 7, 51: 20  
 fan 31: 22  
 far 16: 25,  
 37: 19, 49: 22,  
 49: 23  
 fartherest 11: 7  
 Fed 22: 23  
 federal 10: 2,  
 18: 24, 30: 5,  
 30: 8, 31: 17,  
 39: 20, 40: 14  
 feel 29: 8,  
 35: 2, 35: 4,  
 40: 13, 54: 21  
 feels 40: 13  
 fees 61: 3  
 fella 21: 6

fellow 11: 3,  
 11: 5  
 fellows 52: 3  
 FERREL 4: 39,  
 14: 2, 14: 3,  
 14: 5, 14: 7  
 fewer 34: 1  
 fight 25: 16  
 figure 48: 10  
 file 33: 21,  
 50: 17  
 filed 33: 20  
 files 42: 9  
 filing 48: 21  
 filings 36: 14  
 films 39: 21  
 financially  
 38: 21  
 find 31: 7,  
 48: 5, 57: 8  
 fine 10: 16,  
 19: 5, 21: 15,  
 26: 4, 31: 10,  
 32: 10, 52: 8,  
 59: 21  
 finish 51: 4  
 Firm 2: 29,  
 33: 24, 43: 18,  
 48: 3, 50: 12,  
 50: 13  
 firms 34: 1,  
 40: 25, 50: 11  
 first 9: 16,  
 39: 10, 47: 15,  
 52: 8, 56: 2  
 Fisher 2: 12  
 fit 44: 4  
 FL 6: 6  
 Fleet 53: 23,  
 53: 25  
 flip 42: 7  
 floated 20: 20  
 Flom 3: 3, 3: 11,  
 3: 42  
 Floor 2: 5, 2: 14  
 Florida 24: 14  
 flow 58: 12  
 fly 15: 4  
 FM 2: 30  
 focusing 51: 12

folks 31: 2,  
 50: 9, 50: 10,  
 55: 16  
 foregoi ng  
 60: 25, 61: 1  
 forgot 40: 7  
 format 61: 3  
 former 29: 6  
 Fort 16: 3,  
 16: 4, 17: 14,  
 17: 15, 21: 16  
 forward 51: 3,  
 54: 16  
 four 41: 5  
 Francis 4: 1,  
 53: 6  
 Francisco 1: 42,  
 2: 6, 4: 37  
 Franco 4: 41,  
 14: 9, 14: 10,  
 14: 11  
 Frank 5: 39,  
 10: 16, 11: 16,  
 22: 17, 56: 21,  
 58: 18  
 Franklin 4: 13  
 Friday 56: 12  
 Fridays 59: 14  
 friend 22: 20  
 front 47: 22,  
 59: 20  
 frustrated  
 57: 18  
 Frye 39: 2  
 fulfill 32: 24  
 function 34: 13  
 funny 10: 2

< G >

GA 6: 4  
 GAUDIN 4: 43,  
 14: 12, 14: 13,  
 14: 14, 14: 15,  
 14: 17  
 gave 15: 9, 60: 1  
 general 29: 6  
 generally 36: 7,  
 36: 18, 51: 7,  
 56: 8

generati on  
 38: 15  
 Genevieve 6: 30,  
 28: 2  
 geographi c  
 50: 10  
 getting 18: 25,  
 21: 25, 33: 8,  
 38: 16, 46: 22  
 give 32: 6,  
 38: 9, 40: 10,  
 49: 10, 52: 8,  
 52: 18, 58: 10,  
 59: 20  
 gi vi ng 17: 11,  
 29: 11  
 glad 19: 16,  
 32: 14  
 glare 20: 4  
 glory 31: 16  
 God 8: 6  
 GOLDSER 4: 45,  
 14: 20, 14: 21,  
 14: 24, 15: 2  
 Gosh 14: 18,  
 20: 24, 39: 12,  
 45: 17  
 gotten 18: 15,  
 52: 9  
 GRAND 4: 47,  
 15: 10, 15: 11  
 gray 18: 15  
 Great 8: 25,  
 12: 20, 14: 19,  
 20: 24, 23: 8,  
 23: 13, 32: 9,  
 38: 11, 38: 17,  
 39: 21, 40: 6,  
 41: 7, 41: 8,  
 42: 1, 42: 3,  
 42: 16, 44: 1,  
 45: 17, 47: 3,  
 48: 19, 53: 8,  
 53: 14  
 group 42: 2  
 growi ng 9: 24  
 guess 11: 8,  
 37: 9, 50: 25,  
 55: 19, 57: 12,  
 57: 18

<p>guidelines 59: 3  Gulfport 4: 29,  13: 9  guy 29: 15,  31: 15, 53: 14,  56: 25</p> <p>&lt; H &gt;  H. 3: 1, 3: 17  HAINFIELD  4: 49, 15: 13,  15: 14, 15: 16,  44: 6, 44: 8,  44: 13, 44: 21,  44: 23, 44: 25,  45: 3, 45: 6,  45: 8  hair 26: 8,  26: 10  hallelujah  11: 19  hamburger 10: 13  hand 37: 16,  60: 15  handle 31: 1,  51: 25, 56: 21  handling 8: 10  hands 60: 18  HANLY 2: 10,  2: 11, 15: 17,  15: 18  Hannibal 16: 24  happen 60: 8  happened 41: 9  happening 38: 10  happens 60: 9  happy 10: 23,  30: 24, 30: 25,  31: 3, 31: 23,  32: 12, 60: 15  HARBURG 3: 40,  28: 10, 28: 11,  28: 14  hard 40: 8,  40: 15  Harrison 5: 1,  15: 20, 15: 21,  15: 23, 54: 13,  54: 14, 54: 21,</p>	<p>55: 1, 55: 4  Harry 42: 12  HART 5: 3,  15: 24, 15: 25,  16: 2, 45: 19,  45: 24, 46: 7  Hatchitt 36: 23  hate 42: 7,  42: 13  Hayes 2: 12  HD 38: 22,  39: 13, 49: 23  head 20: 4  Healthcare  31: 20, 57: 10,  57: 17  hear 10: 14,  33: 16, 37: 8,  37: 9, 37: 12,  37: 13, 44: 7,  44: 19, 45: 2,  45: 23, 47: 9,  48: 24, 49: 2,  52: 6, 60: 7,  60: 12  hearing 29: 2  Heck 38: 22,  57: 19  HEGAR 5: 5,  16: 6, 16: 7,  16: 9  held 31: 15  HELLUMS 5: 7,  16: 11, 16: 12  help 10: 19,  10: 22, 10: 24,  36: 19, 40: 4,  40: 5, 49: 5,  57: 2, 57: 3  helped 17: 6  helpful 46: 5,  57: 4, 58: 5  helps 31: 9,  34: 22  high 39: 8  HIP 1: 6, 8: 19,  39: 8, 44: 17,  45: 10, 57: 5  hips 57: 12  hire 31: 8</p>	<p>hit 20: 22  hold 51: 19  hologram 38: 23,  49: 20  home 39: 2  honey 10: 3  Honorable 1: 19,  8: 4, 8: 6  hope 51: 4,  54: 18  hoping 11: 6  hotshot 55: 12  hour 20: 18  hourly 35: 8,  35: 9  hours 35: 12  house 18: 6,  31: 4  Houston 1: 34,  2: 31, 5: 37,  16: 9, 17: 22,  22: 8  hundred 22: 22,  46: 21, 51: 21  Hunter 6: 8,  25: 6, 39: 25</p> <p>&lt; I &gt;  IA 4: 49  idea 38: 18,  39: 16, 41: 7,  41: 8, 41: 9,  42: 1, 42: 3,  42: 16, 44: 1,  47: 3, 48: 20,  57: 6  ideas 55: 16,  58: 23  IL 5: 9  Illinois 16: 14  immediacy  59: 16, 59: 18  IMPLANT 1: 6,  8: 19  important 45: 9,  45: 21, 45: 25,  52: 23  impose 58: 6  impressed 12: 14</p>	<p>in. 20: 7,  24: 25, 38: 19,  59: 22  INC. 1: 6  include 35: 21,  35: 22  incredibly 59: 5  Indianapolis  3: 20, 4: 4,  28: 19, 29: 22  individual  33: 24, 41: 15,  42: 9, 58: 20  individually  52: 7  individuals  51: 14  information  46: 3  initial 46: 18  INSKEEP 3: 17,  28: 19, 28: 20,  28: 22, 28: 24  instance 59: 4  institute 59: 3  intensive 59: 6  interest 49: 10  interested  11: 5, 34: 7,  34: 8, 35: 9,  35: 13, 50: 5,  54: 15, 55: 9  interesting  54: 11  Internet 53: 24  interpretation  46: 20  interpreters  10: 21  intervene 50: 19  interview 48: 11  introduce  42: 22, 60: 14  involved 36: 20,  40: 25, 55: 2  involving 33: 2  Iowa 44: 14  Ireland 11: 3,  11: 5, 25: 5  Island 5: 15,</p>
--	--	---	--

<p>18: 7, 27: 9, 27: 11 i ssue 40: 18, 44: 18, 55: 19, 56: 10, 60: 17 i ssues 44: 15, 45: 8, 46: 4, 46: 5, 47: 12, 59: 5 I talian 12: 13</p> <p>&lt; J &gt; J. 2: 10, 2: 19, 3: 40, 6: 35, 60: 25, 61: 10, 61: 11 Jacobson 36: 23 James 20: 20 Jane 6: 4, 24: 9 Jeffrey 4: 47, 15: 10 Jenni fer 5: 13, 6: 16, 18: 1, 26: 12 Jersey 40: 3 JESSICA 3: 9 Jessi ca. mi ller@ skadden. com 3: 15 j ob 36: 24, 60: 1 John 3: 1, 4: 25, 5: 3, 5: 42, 12: 18, 15: 24, 23: 11, 28: 8, 31: 16, 45: 19, 46: 13 John. bei sner@sk adden. com 3: 7 JOHNSON 5: 9, 5: 11, 8: 24, 16: 14, 16: 15, 16: 17, 16: 21, 16: 23, 17: 1, 17: 5, 17: 10, 17: 11, 17: 12, 17: 14 j oint 40: 22, 41: 4, 51: 15 j okes 10: 1</p>	<p>Jones 8: 17 Joseph 6: 6, 24: 13 JPML 44: 16, 44: 18, 45: 9 JR 2: 10 Judge 1: 20, 8: 5, 15: 8, 15: 25, 16: 2, 17: 23, 18: 24, 25: 22, 30: 6, 31: 11, 37: 3, 37: 13, 37: 25, 39: 17, 40: 10, 40: 14, 45: 19, 50: 18, 53: 7, 53: 19, 56: 15 j udges 30: 8, 36: 18, 40: 13, 56: 9 j udgment 35: 23 Judi ci al 39: 21, 61: 4 Jul ia 39: 5 j ump 37: 10, 54: 23 Juri es 38: 24 j urors 38: 24, 60: 4 j ury 23: 9, 37: 22, 38: 1, 38: 13, 38: 14, 39: 21</p> <p>&lt; K &gt; Kansas 5: 41, 12: 16 Kate 22: 20, 53: 19 Kathleen 5: 21, 19: 2 kbaghdadi @wal ku plawoffi ce. com 2: 8 keep 9: 8, 18: 25, 54: 12 Kel ly 2: 2 Ken 29: 9, 49: 15, 53: 10</p>	<p>Kenneth 1: 38, 3: 17, 24: 20, 28: 19 Kershaw 17: 16, 17: 18 Kevin 50: 20 Khal doun 2: 1, 11: 17 kid 9: 24 kill ing 17: 20 kilt 9: 10 Kind 9: 8, 9: 20, 16: 24, 31: 6, 33: 24, 34: 7, 34: 11, 41: 3, 41: 14, 45: 4, 48: 11, 51: 6, 51: 15, 52: 5, 55: 13, 56: 24, 57: 7, 58: 19, 58: 20, 60: 1, 60: 15 kinds 50: 10 Kinkeade 1: 19, 8: 5 ki nskeep@btlaw. com 3: 22 Ki rk 27: 25 knowi ng 31: 1 knowl edge 57: 10, 57: 13 known 30: 18 kseeger@seegers alvas. com 1: 44</p> <p>&lt; L &gt; La 2: 23, 4: 15, 4: 41, 5: 40, 6: 1, 6: 12, 8: 10, 20: 7, 26: 21, 51: 20 LANIER 2: 28, 2: 29, 17: 22, 17: 23, 17: 25, 58: 24, 58: 25, 59: 9, 59: 13, 59: 14, 59: 18 l argely 40: 24 l argest 51: 21</p>	<p>l ast 29: 11, 56: 15 l ater 31: 17, 33: 17, 46: 4 Laughter 9: 9, 17: 7, 19: 24, 25: 19, 27: 22, 46: 12, 49: 6, 49: 12, 55: 5 Laura 6: 12, 25: 21 Law 2: 29, 29: 12, 32: 1, 42: 20, 42: 21, 53: 7, 57: 19 l awyer 31: 24, 31: 25, 32: 9, 34: 4, 48: 9, 52: 9, 52: 10, 55: 13, 56: 12 l awyers 8: 12, 10: 23, 28: 8, 30: 18, 34: 1, 34: 14, 34: 25, 36: 24, 38: 20, 40: 24, 42: 21, 48: 8, 50: 13, 50: 25, 60: 17 l ead 32: 13, 32: 23, 33: 22, 33: 25, 34: 4, 41: 14, 41: 16, 50: 2, 52: 10, 55: 11 l eadershi p 34: 2, 34: 25, 35: 17, 46: 23 l eaned 29: 12 l earn 47: 20 l east 58: 3 l eave 20: 8 l eavi ng 15: 3 l eg 14: 19 l ess 28: 15 l etters 52: 9 Lewi s 6: 10, 25: 12 LIABILITY 1: 7, 8: 19, 38: 2 l iai son 32: 23</p>
--	--	--	--

LIAKOS 5: 13, 18: 1, 18: 3, 18: 5 Liddell 3: 25, 3: 33 light 20: 3 lined 43: 25 Lisa 4: 17, 11: 25 list 9: 20, 11: 1, 37: 18, 40: 1 listen 32: 14, 35: 20 LITIGATION 1: 7, 8: 20, 32: 25, 33: 2, 33: 13, 43: 21, 45: 10, 54: 15 little 9: 21, 16: 22, 28: 15, 37: 8, 39: 5, 41: 11, 52: 2, 58: 19 live 16: 2, 20: 25 lizard 9: 25 LLP 1: 39, 2: 12, 3: 3, 3: 11, 3: 18, 3: 42, 4: 2 local 58: 1, 59: 22 Locke 3: 25, 3: 33 log 59: 5 Long 27: 9, 27: 11, 35: 25, 40: 10 look 10: 9, 24: 2, 39: 22, 52: 11, 55: 20 looking 19: 22, 51: 3, 54: 16 looks 42: 12 Lord 3: 25, 3: 33, 8: 11, 11: 4, 40: 11 Lory 5: 15, 18: 7 Los 4: 23, 6: 20, 12: 10, 27: 1	lot 9: 17, 15: 9, 20: 4, 32: 21, 34: 9, 38: 3, 38: 21, 51: 13 loudly 37: 16 Louis 16: 17, 16: 18, 16: 19 Louisiana 1: 32, 14: 16 love 14: 18, 20: 24, 31: 7, 31: 8, 53: 1 low 36: 21 lowest 36: 22 lucky 18: 25 Luxenberg 1: 25 LYBECK 5: 15, 18: 7, 18: 8, 18: 10  < M > Madison 2: 13 magic 48: 15 magistrate 36: 18, 42: 23, 42: 24, 43: 1, 56: 9 magistrates 43: 3 Maine 11: 9 major 38: 6 Malouf 5: 17, 18: 12, 18: 13, 18: 16, 30: 21, 40: 20, 40: 21, 41: 8, 41: 21, 41: 22, 42: 2, 42: 16, 50: 3, 57: 22, 57: 23, 59: 15 man 10: 5, 53: 24 manage 57: 24 managed 41: 3 management 40: 22, 41: 23, 41: 24, 46: 24, 55: 23 Mandel 5: 19, 18: 19, 18: 20,	18: 22, 18: 25, 30: 23 Mark 1: 38, 2: 28, 6: 2, 17: 22, 23: 20 marked 59: 10 Market 1: 40 married 30: 15, 51: 2 marry 51: 2 Martin 4: 29, 13: 4 master 36: 9, 43: 5, 52: 17, 52: 24, 53: 8, 53: 20, 53: 22, 53: 23, 54: 8, 54: 18, 54: 22, 55: 18, 56: 2, 56: 4, 57: 25, 58: 7, 58: 10, 58: 13, 58: 16, 59: 1, 59: 3 masters 55: 24 materials 54: 6 matter 33: 17, 33: 19, 61: 2 Matthew 4: 49, 15: 13, 21: 22 Mccarthy 1: 31 MCGINN 5: 21, 19: 2, 19: 3, 19: 5 McGovern 53: 6 MDL 1: 8, 8: 13, 9: 16, 34: 6, 35: 19, 44: 16, 52: 23 Mdl s 32: 21 MEADOW 5: 23, 19: 7, 19: 8, 19: 10, 19: 12 Meagher 3: 2, 3: 10, 3: 41 mean 30: 2, 30: 18, 39: 5, 57: 11, 57: 20, 59: 7 meant 40: 6 mechanical 6: 41	meet 11: 21, 15: 9, 22: 2, 22: 3, 22: 16, 22: 18, 22: 19, 23: 1, 23: 22, 24: 7, 24: 8, 24: 11, 24: 12 Melni chenko 5: 25, 19: 13, 19: 14 Melodia 2: 2 mention 40: 6 mentioned 22: 22, 30: 12, 53: 19 Mercer 5: 15, 18: 7 Mercy 30: 25, 42: 12 Meridian 3: 19, 4: 3 Meryl 6: 24, 27: 2, 27: 5 metal 44: 19 metal-on-cerami c 46: 3 Metal-on-metal 44: 17, 44: 21, 44: 23, 46: 2, 47: 10, 47: 17 metal-on-plasti c 46: 2, 47: 11 metal-on-poly 44: 18, 44: 25, 47: 19 Mexico 31: 4 MI 5: 36 MICHAEL 3: 24, 3: 32 Michèle 4: 43 Michelle 14: 12 Michigan 22: 1 middle 20: 8 Midland 16: 2 midnight 56: 16 MIGLIORI 5: 27, 19: 17, 19: 18, 19: 20, 19: 22, 20: 4, 20: 8 miles 17: 1
---	--	--	--

<p>MILLER 3: 9, 5: 29, 20: 11, 20: 12, 20: 14, 20: 17, 20: 21 million 38: 7 millions 59: 4 mind 24: 1, 30: 1, 43: 7 Mineola 6: 24, 27: 2, 27: 8, 27: 9, 27: 10 minimize 41: 24 MINKIN 5: 31, 21: 1, 21: 2 Minneapolis 28: 2 Minneapolis 4: 45, 5: 33, 6: 30, 14: 20, 21: 7, 28: 6 Minnes 21: 7 Minnesota 15: 1, 50: 9 minute 60: 16 minutes 20: 22, 22: 5, 32: 7 mispronounce 10: 19, 11: 17, 12: 16 Mississippi 16: 20 Missouri 17: 8 MN 4: 45, 5: 33, 6: 30 MO 5: 41 MOCCIO 5: 33, 21: 4, 21: 5, 21: 8, 21: 11 mode 17: 11 Moines 4: 49, 15: 13, 44: 14 mom 57: 7 moment 46: 16 money 30: 24, 39: 12 Montgomery 6: 28 month 38: 6 MOODY 5: 35, 21: 12, 21: 13, 21: 14, 21: 15, 21: 17, 21: 20</p>	<p>Moreland 21: 22, 21: 23 mother 27: 21, 56: 17 motion 33: 20, 35: 23, 50: 17 motions 40: 16, 46: 18, 47: 1 move 37: 5, 38: 2, 40: 5, 51: 7, 53: 4 movie 50: 23 moving 46: 5 mpowell@lockel o rd.com 3: 30 MS 4: 29 MS. 12: 1, 12: 2, 12: 3, 14: 13, 14: 17, 16: 7, 16: 9, 18: 3, 18: 5, 19: 3, 19: 5, 19: 14, 21: 2, 22: 2, 22: 5, 24: 10, 24: 12, 25: 22, 25: 24, 26: 13, 26: 14, 26: 15, 27: 1, 27: 4, 27: 6, 27: 9, 27: 13, 27: 15, 28: 3, 28: 6, 42: 18, 42: 19 multiple 34: 19 mundane 51: 12 murders 31: 12  &lt; N &gt; Nabers 1: 31 name 10: 19, 37: 17, 53: 22, 56: 17 named 31: 16 natures 59: 11 Navan 6: 28, 27: 16, 27: 18, 27: 19 navigate 50: 20 Neblett 2: 20 necessarily</p>	<p>56: 3 need 24: 4, 35: 25, 37: 3, 37: 4, 37: 11, 38: 13, 39: 6, 44: 9, 47: 14, 49: 7, 50: 25, 53: 12, 54: 22, 57: 4, 57: 13, 58: 9, 58: 18, 59: 16 needing 60: 11 needs 32: 24 neighbor 15: 2 net 59: 14 New 1: 27, 2: 15, 3: 4, 3: 12, 3: 43, 4: 41, 4: 47, 5: 40, 6: 1, 6: 8, 10: 23, 13: 1, 15: 10, 15: 17, 19: 12, 22: 24, 23: 17, 24: 5, 25: 9, 25: 10, 27: 3, 27: 15, 30: 5, 31: 4, 38: 25, 39: 25, 40: 3, 60: 19 Newport 5: 13, 6: 2, 18: 1, 23: 20, 23: 24 news 53: 23 next 31: 18, 32: 2, 38: 15, 44: 20, 60: 12 Nice 12: 12, 12: 22, 16: 13, 18: 22, 20: 25, 22: 2, 22: 3, 22: 16, 23: 1, 24: 7, 24: 8, 24: 11, 24: 12 NM 4: 19, 4: 35, 4: 39 normal 35: 22 north 16: 22, 16: 25, 17: 1, 20: 14, 20: 17, 20: 21, 22: 5</p>	<p>Northern 1: 2, 8: 3, 61: 13 note 13: 3, 47: 13 notebooks 42: 11 noted 48: 21 notes 10: 8, 10: 10 nothing 31: 12, 58: 6 notice 36: 22 noticed 36: 14, 39: 4 Number 8: 20, 30: 14, 30: 15, 35: 12, 38: 8, 40: 24, 56: 18, 58: 1, 58: 2, 58: 6 numbers 48: 5 NW 3: 4, 3: 12, 3: 43 NY 1: 27, 2: 15, 4: 21, 4: 47, 6: 8, 6: 24  &lt; O &gt; o'clock 56: 16 O'malley 22: 21, 53: 7, 53: 20 O'neal 14: 24 objection 48: 19 objections 48: 13 obvious 48: 6 Obviously 9: 21, 30: 1, 30: 24, 57: 11 offer 21: 24 offhand 48: 18 OFFICER 8: 2 Official 61: 12 often 35: 11, 36: 6 Ohio 22: 17 Okie 59: 17 old 42: 7 OLIVER 5: 36, 22: 1, 22: 2,</p>
---	---	--	---

<p>22: 5  omni bus 56: 4  One 12: 13,  25: 8, 28: 5,  30: 9, 30: 10,  31: 1, 32: 18,  33: 1, 34: 20,  34: 21, 36: 20,  36: 21, 38: 22,  38: 25, 39: 2,  40: 1, 41: 11,  41: 12, 41: 15,  43: 3, 44: 15,  45: 8, 45: 20,  46: 1, 46: 14,  48: 3, 48: 10,  52: 4, 52: 11,  52: 22, 52: 25,  55: 2, 55: 19,  58: 10, 58: 11,  58: 14  one. 51: 2,  53: 1, 57: 8  ones 33: 8,  33: 10  open 24: 25,  39: 15  opini on 52: 18  opposed 29: 5  Orange 5: 29,  20: 13, 20: 14,  20: 20  order 8: 2,  35: 18, 35: 22,  46: 20, 46: 24  orders 43: 20  organi zati onal  33: 15  Orl eans 4: 41,  5: 40, 6: 1,  22: 24, 23: 17,  27: 15  ORTHOPAEDI CS  1: 5  orthopedi cs  57: 12  OSBORN 5: 37,  22: 8, 22: 9,  22: 11  ought 13: 2,</p>	<p>52: 10, 53: 10  outlet 50: 16  outside 39: 1,  44: 10  overl oaded  58: 15  own 51: 17    &lt; P &gt;  PA 4: 11  page 58: 10,  58: 11  pam_wi l son@txnd  .uscourts.gov  6: 39  PAMELA 6: 35,  60: 25, 61: 11  panel 44: 16  Park 6: 6, 24: 13  part 35: 3,  45: 11  parti cul ar  35: 25  parti cul arly  45: 24  parties 58: 2,  58: 4, 58: 8  partner 15: 3  parts 30: 4  patent 31: 7,  36: 20  pati ent 9: 16,  10: 24, 10: 25  PATTERSON 5: 38,  22: 14, 22: 15  Paul 2: 10,  4: 27, 12: 23,  15: 17  Pause. 60: 5  PC 1: 25  Peggy 6: 26,  27: 12  pendi ng 34: 6  peni tenti ary  52: 4  peopl e 9: 2,  19: 23, 28: 5,  31: 7, 48: 10,  51: 13, 59: 20</p>	<p>per 41: 5  percent 46: 21  percentage 35: 6  Perfect 11: 18,  23: 12  perhaps 46: 22  perked 34: 25  person 33: 24  Peter 1: 24,  5: 29, 20: 11,  24: 5, 43: 13  Petersburg  24: 17  phanl y@hanl ycon  roy.com 2: 17  Phi l adel phi a  4: 11, 11: 11  phi losophy  36: 17, 37: 5,  51: 8, 56: 9  Phoeni x 21: 24  phone 56: 17  pi ck 34: 20,  34: 21, 48: 11,  59: 25, 60: 7  pi lot 36: 20  Pi nel las 6: 6,  24: 13  Pi nnacle 1: 6,  8: 19  PI SCI TELLI  5: 39, 22: 17,  22: 18  pi tch 37: 12  pl ace 20: 24,  20: 25, 33: 14,  35: 15, 37: 3,  46: 15, 55: 20  PLAI NTI FF 1: 24,  32: 18, 40: 24,  46: 23  pl ai nti ffs  34: 21, 48: 22,  55: 11  pl an. 39: 4  pl ane 14: 4,  60: 19  pl asti c 45: 5  pleas ant 9: 18  Pl ease 8: 7</p>	<p>pleased 59: 25  pleasure 29: 3  PLYMALE 5: 40,  22: 24, 22: 25  P0 2: 22  poi nt 23: 10,  48: 10, 49: 25  poi nt. 38: 17,  51: 6  poi nti ng 18: 18  poli cy 42: 20  Pol y 45: 1  Pol yethyl ene  45: 6  pool 59: 20,  59: 21  poor 39: 7  popul ati on  47: 16  Port 4: 21  Porter 42: 12  Portsmouth 5: 35  posi ti ons 34: 3,  34: 25  possi ble 36: 18  possi bly 33: 9  potenti al 57: 24  POWELL 3: 24,  8: 15, 8: 21,  8: 23, 9: 3,  9: 12, 28: 25,  29: 1, 29: 3,  29: 7, 29: 9,  29: 19, 30: 12,  41: 14, 41: 16,  41: 18  practi cal 56: 24  preacher 31: 21  prefer 43: 5  Preferabl y  49: 24  prescri bed 61: 4  Present 4: 9  presentati on  40: 23  preserved 24: 3  presi dent 60: 1  presi di ng 8: 5  pretty 24: 2,  25: 10, 29: 15,</p>
---	---	---	---



<p>47: 25, 51: 7, 56: 24 PREUSS 5: 41, 23: 3, 23: 4, 23: 5, 23: 6 primarily 10: 12 primary 54: 18 primer 57: 3 privilege 59: 5 privileged 59: 10 pro 27: 3 probably 27: 5, 27: 21, 30: 2, 30: 3, 43: 5, 43: 18 problem 37: 2 procedural 46: 14 proceeding 35: 19 Proceedings 6: 41, 40: 2, 45: 11, 48: 21, 61: 1 proceedings. 60: 20 process 38: 2, 40: 5, 48: 25, 49: 3, 49: 8, 54: 22, 56: 1, 56: 5 produced 6: 42 product 53: 25 production 41: 23 PRODUCTS 1: 7, 8: 19 program 52: 3 programs 41: 3 projector 41: 11 projects 36: 20 promise 9: 17, 39: 23, 40: 15, 40: 19, 49: 10 pronounce 8: 14, 13: 15, 26: 23, 33: 2 pronunciation 27: 21</p>	<p>protection 52: 3 protective 43: 20 Providence 5: 27 psamberg@weitzl ux.com 1: 28 pull 9: 10, 42: 9 put 59: 20 putting 57: 12</p> <p>&lt; Q &gt; quality 39: 8, 55: 12 question 37: 14, 42: 25, 43: 2, 45: 14, 46: 14, 48: 2, 48: 7, 48: 22, 57: 23, 60: 4 questions 9: 17, 10: 7, 31: 2, 32: 5, 32: 10, 36: 16, 37: 12, 37: 19, 42: 19, 43: 9, 50: 1 quicker 38: 3 quickly 36: 17, 37: 2, 38: 1, 40: 5, 51: 7 quietly 46: 10 quirks 42: 5 quit 57: 18</p> <p>&lt; R &gt; raid 9: 3 raise 37: 15 rapes 31: 12 rarsenault@nbal awfirm.com 2: 25 rate 35: 8, 35: 9, 39: 11 Rather 42: 8, 46: 4, 53: 2 RE 1: 5 re-creating 43: 18 read 51: 18, 52: 11, 54: 6</p>	<p>real 20: 22, 55: 2, 56: 24 realize 39: 7 really 29: 15, 41: 24, 51: 12, 54: 24, 55: 3, 55: 12, 56: 19, 59: 25 reason 50: 2 reasonably 50: 10 recall 29: 6, 29: 7 record 61: 1 records 35: 10, 35: 11 recovery 35: 6 Red 26: 8, 26: 10, 31: 5 reference 53: 21 referenced 45: 20 references 46: 1 referred 58: 7, 58: 9 regard 37: 6, 41: 22, 55: 10 regarding 33: 15, 35: 15 regular 15: 4 Relates 1: 13 relatively 41: 1 remand 40: 16 remember 25: 18, 50: 14, 55: 4 Remind 22: 4, 24: 16, 26: 18, 53: 25 removed 36: 13 replacements 57: 6 reported 6: 41 Reporter 6: 35, 61: 12 represent 31: 22 represented 35: 2 representing 8: 21, 8: 23 required 34: 7</p>	<p>requires 48: 8 Reserve 4: 15 resources 33: 12, 34: 2, 34: 17 respect 46: 17, 54: 18 respond 10: 7, 10: 11, 49: 19, 50: 24, 54: 25, 58: 11 response 37: 4, 51: 16 RESTAINO 5: 42, 23: 11, 23: 12, 23: 14 RI 5: 27 RICHARD 2: 19, 5: 23, 6: 1, 11: 13, 19: 7, 23: 17, 23: 18 rise 8: 2 River 16: 20, 20: 20, 31: 5 RMR 6: 35, 61: 11 robberies 31: 12 Robert 5: 38, 22: 14 Roberts 3: 32, 29: 16, 29: 17, 29: 18, 29: 20, 30: 14, 31: 16, 39: 5 ROBINSON 6: 2, 6: 3, 23: 20, 23: 21, 23: 23, 23: 24 Rods 53: 21 Roger 5: 19 role 32: 14, 33: 12, 33: 23, 35: 17 Rolling 31: 22 romance 10: 11 Ron 14: 20 Ronald 4: 45 Ronnie 36: 23 Room 6: 36, 12: 14, 42: 14, 48: 3</p>
--	---	--	--

<p>Ross 3: 26, 3: 34  routine 46: 18  rule 56: 10,  58: 6  ruled 29: 14  rules 59: 2  run 36: 24  running 36: 25,  44: 11  Rusty 26: 9</p> <p>&lt; S &gt;  s/pamela 61: 10  Sacramento  17: 16, 26: 19,  26: 20  Salem 17: 2  Salvas 1: 39  SAMBERG 1: 24,  24: 5, 24: 6,  24: 8, 43: 13,  43: 14, 43: 15,  43: 17, 43: 20,  43: 23  SAMS 6: 4, 24: 9,  24: 10, 24: 12  San 1: 42, 2: 6,  4: 37  sat 15: 7  SAUNDERS 6: 6,  24: 13, 24: 15,  24: 17  save 8: 6, 33: 7  saw 15: 3  saying 47: 21,  49: 18, 52: 9  says 42: 5  scar 39: 5  Scheduling  35: 18, 35: 22  Schoenberger  2: 3  School 26: 5,  29: 12, 32: 1,  51: 2, 57: 20  Science 45: 21,  45: 24  seat 19: 21  seated 8: 7</p>	<p>seats 24: 23  Seattle 18: 8,  18: 9  second 60: 4  secondly 42: 23  SECURITY 8: 2,  52: 2  SEEGER 1: 38,  1: 39, 24: 20,  24: 21, 24: 22,  24: 25, 25: 2,  49: 15, 49: 17,  49: 22, 51: 11  seeing 56: 23  seems 32: 19,  32: 22  seen 12: 13,  18: 14, 54: 7  select 32: 5,  32: 12, 50: 2  selects 58: 5  send 13: 2,  32: 13, 32: 16,  51: 17, 58: 10  sense 38: 9,  48: 4  serious 56: 20  seriously 38: 18  serve 34: 4  session 8: 4  set 56: 1, 59: 2,  59: 19  Seth 3: 32,  29: 16  settle 46: 11  settled 30: 23  seven 31: 12  several 51: 21  shake 60: 15,  60: 18  shame 56: 19  Shane 5: 37,  22: 8  Shannon 25: 5  share 55: 25  SHEA 4: 1,  29: 21, 29: 23  sheets 47: 1  Sheridan 2: 12  Sherry 60: 3</p>	<p>Shkolnik 6: 8,  25: 6, 25: 7,  25: 9, 39: 25  shocked 39: 6,  59: 12  shoot 53: 13  short 49: 25  shorten 36: 3  shortening  38: 16  shorter 39: 14  shot 52: 8  shots 39: 19  show 9: 22,  9: 25, 39: 8,  59: 9  side 16: 19,  29: 9, 31: 2,  38: 7, 40: 24,  41: 6, 41: 12,  58: 4, 58: 11  sides 41: 25  Sifford 6: 10,  25: 12, 25: 13,  25: 14, 25: 18,  30: 18  sign 36: 11  signed 43: 21  SINGLETERY  6: 12, 25: 21,  25: 22, 25: 24  sit 20: 7,  48: 16, 49: 7  site 10: 9  sitting 38: 5,  46: 10  size 50: 11  Skadden 3: 2,  3: 10, 3: 41,  28: 12, 28: 21  Slate 3: 2,  3: 10, 3: 41  slow 56: 6  slows 56: 4  small 20: 22,  41: 1, 41: 5  smaller 34: 1,  50: 12, 50: 13  Smith 8: 17,  21: 16</p>	<p>smoke 24: 3  SMU 32: 2  solicitor 29: 6  somebody 54: 4,  54: 8, 55: 7,  55: 11, 58: 16,  59: 24, 60: 7  someone 58: 1,  58: 2, 59: 3,  59: 22  somewhat 41: 2,  58: 12  somewhere  14: 16, 14: 25  son 31: 24  son-in-law  31: 24, 39: 3  soon 33: 9,  44: 10  Sorry 13: 17,  16: 18, 17: 21,  19: 15, 23: 8,  23: 16  sort 10: 15,  34: 20, 34: 21,  35: 12, 37: 5,  46: 15, 50: 5,  51: 8, 56: 3,  60: 2  sorts 46: 20,  47: 1, 57: 3  south 20: 18  Southern 25: 9,  25: 10  Southfield  5: 36, 22: 1,  22: 4  special 20: 1,  20: 2, 36: 9,  43: 5, 52: 17,  52: 23, 53: 8,  53: 20, 53: 21,  53: 22, 54: 8,  54: 18, 54: 22,  55: 18, 55: 24,  56: 2, 56: 4,  57: 10, 57: 13,  57: 25, 58: 7,  58: 9, 58: 13,  58: 16, 59: 1,</p>
--	---	--	--



<p>59: 3  speech 29: 11  speedy 34: 12  spend 39: 1  spending 38: 6,  39: 12  spring 32: 2  sroberts@lockel  ord.com 3: 38  St 1: 40, 2: 4,  3: 19, 4: 3  St. 16: 17,  16: 18, 16: 19,  24: 17  stand 37: 16  standing 60: 3  Starr 29: 9,  29: 10, 53: 11  start 30: 8  started 49: 18  state 33: 21,  40: 2, 40: 10  States 1: 1,  1: 20, 8: 3, 8: 5,  8: 6, 29: 5, 61: 5  STATUS 1: 18,  36: 6  stay 39: 3,  46: 15  stayed 46: 21  Steakley 6: 14,  25: 25, 26: 1,  26: 2, 26: 4,  26: 7, 26: 9,  30: 19  stenography  6: 41  Stephen 3: 40,  5: 1, 5: 17,  28: 10  Stephen.harburg  @skadden.com  3: 46  STEPHENS 6: 16,  26: 12, 26: 13,  26: 14, 26: 15  Steve 5: 11,  15: 20, 17: 10,  18: 12  Stones 31: 23</p>	<p>stories 48: 24,  49: 2  streamlined  46: 25  Street 6: 36  struck 46: 22  structure  32: 19, 32: 24,  33: 15, 35: 1,  37: 2, 55: 20  Stuart 6: 18,  17: 17, 26: 16  stuck 21: 24  stuff 51: 17  substantial  33: 12  suburb 16: 16,  16: 17  suck 17: 10,  31: 6  suck-up 55: 3  sucking 30: 9  suffering 23: 15  suggest 45: 12  suggesting 56: 3  suggestion  46: 17, 50: 3,  55: 19, 58: 13  suggestions  10: 15, 15: 9,  47: 10, 57: 25  Suite 1: 33,  1: 41, 3: 27,  3: 35  suits 12: 13  Sulzer 53: 20  summary 35: 23,  38: 1, 39: 21  Supreme 29: 5  surprised 60: 9  Susan 5: 31,  21: 1  suspect 48: 3,  59: 9  suspicious  59: 11  System 31: 20,  36: 12, 38: 13,  57: 17</p>	<p>&lt; T &gt;  tackle 45: 9  tackled 45: 13  TALLEY 6: 18,  17: 17, 26: 16,  26: 17, 26: 19  Tampa 24: 17,  24: 18  Tanya 5: 25,  19: 13  TASCHNER 6: 20,  26: 21, 26: 22,  26: 24  teach 31: 25,  32: 2  teacher 51: 2  Technology  38: 20, 39: 14,  40: 22, 40: 23,  41: 2, 41: 10,  42: 2, 50: 4,  57: 1  tedious 59: 2  television  38: 24, 38: 25  ten 22: 5,  31: 17, 37: 9,  37: 18  tendency 41: 1  terms 45: 21  Texas 1: 2,  6: 37, 8: 4,  10: 21, 15: 20,  27: 10, 32: 1,  61: 13  Thanks 36: 22,  36: 23, 39: 22  thick 42: 7  thinking 9: 5,  33: 21, 36: 2,  43: 6, 51: 13,  58: 16  thinks 39: 10,  54: 8  Thomas 4: 1,  4: 11, 5: 41,  11: 11, 12: 15,  23: 3, 23: 6,  29: 21</p>	<p>thomas.shea@bt  aw.com 4: 6  Thornburg 3: 18,  4: 2  thoroughly  12: 14  thoughts 10: 15,  47: 10, 49: 13,  58: 21  three 15: 7,  30: 6, 32: 7,  36: 5, 38: 7,  38: 8, 57: 25,  58: 11  tie 12: 20  today 8: 9,  8: 20, 9: 21,  10: 14, 22: 22,  23: 15, 32: 8,  33: 20, 37: 13,  45: 21, 45: 24,  56: 15  together 10: 13,  14: 6, 21: 9,  30: 22, 41: 18,  41: 19, 41: 24,  46: 22  took 20: 21  topic 45: 13  toward 46: 5  town 20: 21,  20: 22  track 9: 8  TRANSCRIPT  1: 18, 6: 42,  41: 23, 61: 1,  61: 3  transparent  30: 25  trial 29: 10,  32: 23, 36: 4,  36: 17, 38: 1,  38: 6, 38: 20,  46: 5, 51: 24,  60: 6  trials 34: 18,  37: 25, 38: 14,  39: 21  tried 15: 8,  19: 15, 29: 10,</p>
--	--	--	---

31: 12, 31: 14,  
33: 9  
true 55: 10  
try 9: 17, 10: 9,  
31: 7, 32: 8,  
33: 10, 34: 21,  
36: 17, 36: 25,  
37: 1, 37: 18,  
37: 19, 50: 7,  
50: 9, 50: 15,  
50: 22, 50: 24,  
56: 25, 59: 19  
trying 11: 8,  
30: 17, 32: 5,  
48: 10  
TUCKER 6: 22,  
26: 25, 27: 1  
turned 26: 10  
Turner 4: 19,  
12: 4  
Two 30: 6,  
30: 22, 32: 7,  
36: 4, 38: 6,  
38: 8, 39: 18,  
41: 5, 42: 19,  
57: 5  
TX 1: 34, 2: 31,  
3: 28, 3: 36,  
4: 17, 4: 31,  
5: 1, 5: 17,  
5: 19, 5: 21,  
5: 37, 5: 38,  
6: 14, 6: 16  
type 32: 18,  
35: 10  
types 34: 24  
typical 56: 11

## &lt; U &gt;

ultra 59: 2  
understand  
44: 9, 53: 12,  
56: 2  
undertake 58: 3  
UNIDENTIFIED  
21: 23, 33: 4  
unified 42: 2  
uniform 41: 25  
United 1: 1,

1: 20, 8: 3, 8: 5,  
8: 6, 29: 4, 61: 5  
University  
53: 13  
unless 35: 16,  
58: 7  
until 10: 2  
unwieldy 34: 15  
upset 9: 10  
useful 55: 25  
usual 40: 3

## &lt; V &gt;

V. 3: 24  
VA 5: 29, 5: 31,  
5: 35  
Valdez 15: 8  
verdict 23: 10  
verify 35: 10  
Versus 10: 12,  
44: 17, 44: 19,  
44: 22, 44: 24,  
47: 10, 47: 19  
video 41: 23  
VIENER 6: 24,  
27: 2, 27: 3,  
27: 4, 27: 6,  
27: 9  
Vincent 5: 33,  
21: 4, 25: 5  
Virginia 21: 16  
visuals 49: 22  
volunteering  
8: 9

## &lt; W &gt;

W. 2: 28  
WA 5: 15  
Waco 5: 1, 6: 14,  
15: 20, 25: 25  
wait 39: 18,  
60: 16  
walked 24: 25  
Wal kup 2: 2  
WALLACE 6: 26,  
9: 7, 27: 12,  
27: 13, 27: 15  
wanted 30: 16,

49: 18, 57: 10  
wants 37: 10  
WARD 6: 28,  
27: 16, 27: 17,  
27: 20  
Washington 3: 5,  
3: 13, 3: 44,  
4: 21, 18: 7,  
20: 18, 28: 14,  
28: 16  
watching 9: 6  
Waterworld  
50: 19  
ways 34: 23,  
39: 13, 46: 25  
weather 17: 20  
web 10: 9  
weekend 29: 12  
weeks 15: 7,  
38: 8  
Weitz 1: 25  
Wel ding 53: 21  
Wendy 6: 22,  
26: 25  
Wesleyan 32: 1  
West 2: 30,  
10: 20  
Whatever 31: 9,  
38: 23, 40: 14,  
50: 14, 50: 20,  
59: 21  
whatnot 46: 19  
wheel 43: 18  
whoever 58: 4  
whole 49: 8,  
50: 18  
wife 10: 3, 42: 5  
William 4: 31,  
5: 35, 9: 6,  
13: 10, 17: 16,  
21: 12  
willing 35: 20  
WILSON 6: 35,  
60: 25, 61: 10,  
61: 11  
wireless 41: 10  
wish 18: 6  
without 31: 1,  
48: 8  
witness 52: 3

won 8: 12, 29: 9  
Wood 27: 25  
word 44: 20,  
45: 2  
work 14: 23,  
32: 19, 32: 22,  
39: 14, 40: 7,  
40: 15, 40: 18,  
41: 13, 41: 18,  
41: 24, 42: 15,  
43: 8, 50: 22,  
52: 16, 55: 22,  
56: 25, 58: 19  
worked 32: 20  
working 41: 19,  
42: 8, 46: 24  
works 38: 9  
world 50: 20,  
56: 23  
Worth 16: 3,  
16: 4, 17: 14,  
17: 15  
wreck 38: 21  
write 49: 10  
writing 10: 11,  
10: 12, 49: 19,  
51: 14  
written 32: 15

## &lt; Y &gt;

year 51: 5  
years 30: 14,  
31: 12, 31: 17,  
36: 5  
York 1: 27,  
2: 15, 3: 4,  
3: 12, 3: 43,  
4: 47, 6: 8,  
10: 23, 13: 1,  
15: 10, 15: 17,  
19: 12, 24: 5,  
25: 9, 25: 10,  
27: 3, 39: 25,  
60: 19  
young 53: 24  
Yourself 22: 12,  
60: 14

< Z >

ZIMMERMAN 6: 30,

15: 3, 28: 2,

28: 3, 28: 6

Zollie 6: 14,

25: 25

C E R T I F I C A T I O N

I, PAMELA J. WILSON, CSR, certify that the foregoing is a transcript from the record of the proceedings in the foregoing entitled matter.

I further certify that the transcript fees format comply with those prescribed by the Court and the Judicial Conference of the United States.

This the 19th day of August, 2011.

s/Pamela J. Wilson  
PAMELA J. WILSON, RMR, CRR  
Official Court Reporter  
The Northern District of Texas  
Dallas Division